CITY OF WINTERS
california
Est. 1875

Winters City Council Meeting
City Council Chambers
318 First Street
Tuesday, December 15, 2009
6:30 p.m.
AGENDA

Members of the City Council

Michael Martin, Mayor
Woody Fridae, Mayor Pro Tempore
Harold Anderson
Cecilia Aguiar-Curry
Tom Stone

John W. Donlevy, Jr., City Manager
John Wallace, City Attorney
Nanci Mills, City Clerk

PLEASE NOTE – The numerical order of items on this agenda is for convenience of reference. Items may be taken out of order upon request of the Mayor or Councilmembers. Public comments time may be limited and speakers will be asked to state their name.

Roll Call

Pledge of Allegiance

Approval of Agenda

COUNCIL/STAFF COMMENTS

PUBLIC COMMENTS

At this time, any member of the public may address the City Council on matters, which are not listed on this agenda. Citizens should reserve their comments for matter listed on this agenda at the time the item is considered by the Council. An exception is made for members of the public for whom it would create a hardship to stay until their item is heard. Those individuals may address the item after the public has spoken on issues that are not listed on the agenda. Presentations may be limited to accommodate all speakers within the time available. Public comments may also be continued to later in the meeting should the time allotted for public comment expire.

CONSENT CALENDAR

All matters listed under the consent calendar are considered routine and non-controversial, require no discussion and are expected to have unanimous Council support and may be enacted by the City Council in one motion in the form listed below. There will be no separate discussion of these items. However, before the City Council votes on the motion to adopt, members of the City Council, staff, or the public may request that specific items be removed from the Consent Calendar for separate discussion and action. Items(s) removed will be discussed later in the meeting as time permits.

A. Minutes of the Regular Meeting and Executive Session of the Winters City Council Held on December 1, 2009 (pp 1-5)
B. Minutes of the Regular Meeting and Executive Session of the Winters City Council Held on November 17, 2009 (pp 6-9)
C. Resolution No. 2009-60 of the City Council of the City of Winters Receiving from the Community Development Agency the Annual Redevelopment Report to Legislative Body, State Controller's Office and State Housing and Community Development Department for Fiscal Year Ending June 30, 2009 and Authorizing its Transmittal to the State Department of Housing and Community Development and the State Controller's Office (pp 10-48)
D. Resolution 2009-57, A Resolution of the City Council of the City of Winters authorizing submittal of an application to the California Energy Commission's EECBG Program for funds to execute an energy efficiency project (pp 49-52)

PRESENTATIONS

DISCUSSION ITEMS

1. Public Hearing and Consideration by the Winters City Council of the City of Winters for Adoption of Ordinance 2009-18, Repealing Section 17.60.030 (B) and Adding Chapter 17.200 to the Winters Municipal Code Pertaining to Affordable Housing Requirements (pp 53-88)
2. Public Hearing and Consideration by the Winters City Council of the City of Winters for Adoption of Ordinance 2009-16, Amending Chapter 15.64 (Flood Damage Prevention) of the Winters Municipal Code (pp 89-114)

COMMUNITY DEVELOPMENT AGENCY

1. Resolution 2009-60, a Resolution of the Community Development Agency of the City of Winters, Submitting the Redevelopment Annual

Report for Fiscal Year Ending June 30, 2009 to the City Council of the City of Winters (Please see Documents Under Consent Item C)

CITY MANAGER REPORT

INFORMATION ONLY

EXECUTIVE SESSION

ADJOURNMENT

I declare under penalty of perjury that the foregoing agenda for the December 15, 2009, regular meeting of the Winters City Council was personally delivered to each Councilmember's mail boxes in City Hall and posted on the outside public bulletin board at City Hall, 318 First Street on December 9, 2009, and made available to the public during normal business hours.

Nanci G. Mills, City Clerk

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Staff recommendations are guidelines to the City Council. On any item, the Council may take action, which varies from that recommended by staff.

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Wednesday at 10:00 a.m.

Videotapes of City Council meetings are available for review at the Winters Branch of the Yolo County Library.

Minutes of the Winters City Council Executive Session and Regular Meeting Held on Tuesday, December 1, 2009

CITY COUNCIL EXECUTIVE SESSION

Section 54956.9 of the Government Code – Significant Exposure of Anticipated Litigation – APN 003-424-026-000

Mayor Michael Martin called the Executive Session to order at 6:00 p.m. Present were Mayor Martin, Council Members Aguiar-Curry, Anderson, and Fridae. Council Member Stone was absent. Also present were City Manager Donlevy, City Attorney Wallace, Community Development Director Dyer, and Asst. City Attorney Rudolph.

Direction was provided by City Council toward an interim mitigation meeting regarding this issue. Executive session was adjourned at 6:29 p.m.

REGULAR MEETING OF THE CITY COUNCIL

Mayor Martin reconvened the meeting of the Winters City Council from Executive Session at 6:30 p.m.

Present:	Council Members Aguiar-Curry, Anderson, Fridae and Mayor Martin.
Absent:	Council Member Stone
Staff:	City Manager John Donlevy, City Attorney John Wallace, Community Development Director Nellie Dyer, Management Analyst Carol Scianna, Housing Programs Manager Dan Maguire, and Associate Elliot Landes.

Elliot Landes led the Pledge of Allegiance.

Approval of Agenda: City Manager Donlevy said there were no changes to the agenda. Motion by Council Member Fridae, second by Council Member Aguiar-Curry to approve the agenda. Motion carried unanimously with one absent.

COUNCIL/STAFF COMMENTS: Council Member Aguiar-Curry met with the Yolo Leadership Group to plan a summit with the Family Justice Center through the UC Davis Law School. She also attended a League of California Cities meeting, where a presentation was given regarding initiatives and how we can work as a team to see them go through.

PUBLIC COMMENTS: Ana Kormos, 807 Wintu Way, asked whether a Burger King was going in out at the freeway and requested a status update regarding the development of this area. City Manager Donlevy said there will be a series of public outreach meetings scheduled with Cal Trans regarding the Grant Avenue aspect for the Gateway Properties.

CONSENT CALENDAR

A. **Minutes of the Regular Meeting of the Winters City Council Held on November 17, 2009**
B. **Approve Memorandum of Understanding (MOU) with Housing Authority of the County of Yolo for Sewer Services at El Rio Villa Housing Development and Authorize the Mayor to Sign**
C. **Project Acceptance - Grant Avenue Widening & Safety Improvements, Project No. 09-01/Federal Aid Project No. ESPL 5110 (027)**

City Manager Donlevy gave an overview. Regarding Item C, Council Member Anderson voiced his concerns regarding the placement of the misdirected arrows in the turn lane on Grant Avenue and asked if staff could remove the arrows. City Manager Donlevy replied that although Cal Trans requires these symbols in the newly-paved area, the arrows could be moved 20-40' in either direction. The arrows, which are of a thermal plastic material and cannot be painted over, must be ground out and the surface re-paved. Council Member Aguiar-Curry suggested this item be placed on the December 15th agenda as a discussion item in order to discuss further.

Motion by Council Member Fridae and seconded by Council Member Anderson to approve the consent calendar. Motion carried unanimously, with one absent.

Regarding Item C, City Manager Donlevy said approval of the project acceptance would result in a notice of completion and trigger the timeline in which Teichert Construction can be paid, and staff will make the repairs as directed by Council.

Motion by Council Member Fridae and seconded by Council Member Aguiar-Curry to accept the Grant Avenue Widening & Safety Improvements project as complete. Motion carried unanimously, with one absent.

City Manager requested the minutes of the November 17, 2009 Executive Session be brought back before Council to reflect that Council Member Anderson had recused himself from Executive Session due to a conflict of interest.

PRESENTATIONS

Francesca Wright, the Special Projects Consultant with Healthy Eating Active Living (HEALS) Cities Campaign, gave a power point presentation about Healthy Eating, Active Living communities. Council Member Fridae said Winters now has a Farmers Market, will soon have a Community Garden, participates in the Safe Routes to School program and encourages walking and biking. Regarding the fast food outlet comment made during Public Comments, the property near the freeway is zoned commercial, so how can one franchise business build and another one can't? Francesca cited the City of Arcata or Cotati, in which a map of the City was created, splitting it into 6 regions. No more than one franchise business was allowed per region. Francesca said she could provide sample resolutions for review, as cities are able to include the particular issues they want to address in a resolution.

DISCUSSION ITEMS

1. **Public Hearing and Adoption of Ordinance 2009-17, an Urgency Ordinance Extending the Moratorium on the Establishment and Operation of Medical Marijuana Dispensaries for a Period of 10 Months and 15 Days**

City Attorney Wallace gave an overview. This ordinance would allow the extension of Ordinance 2009-15, extending the moratorium on the establishment and operation of medical marijuana dispensaries for a period of 10 months and 15 days.

Mayor Martin opened the public hearing at 7:17 p.m. and without public comment, Mayor Martin continued the public hearing to the December 15, 2009 City Council meeting. Motion by Council Member Anderson, second by Council Member Aguiar-Curry, to adopt the staff report as the written report required by Government Code Section 65858(d) and order it issued. Motion carried with the following vote:

AYES: Council Members Aguiar-Curry, Anderson, Fridae, Mayor Martin
NOES: None
ABSENT: Council Member Stone
ABSTAIN: None

2. **Staff Presentation on Draft Code Enforcement Ordinance (Information Item Only)**

Laura Hollender, Contract Attorney, gave an overview of the draft ordinance, and said this ordinance would provide the tools to the City of Winters to address all code violations. Council Member Anderson said he was troubled by this ordinance, which could give the City the authority to inspect property. Council Member Aguiar-Curry said this would put the proper tools in place, if needed. Council Member Anderson agreed that gang activity could warrant such an ordinance, but said all other activities did not. City Manager Donlevy provided an example of trash piling up in a backyard, saying there are no tools currently in place to address this public nuisance. He said this ordinance will come back to Council in its final form at a later date. Council Member Fridae requested that language be included, indicating the City would start with the least restrictive remedy.

COMMUNITY DEVELOPMENT AGENCY

1.

CITY MANAGER REPORT: The final workshop for the Fiscal Sustainability process is scheduled for December 10 @ 6:30 p.m. in Council Chambers. All are invited to attend. An extensive report will be delivered to Council Members and will also be available on the City of Winters website. He said the City is in its most serious financial situation in 15 years. He also congratulated the Chamber of Commerce for working with the Winters High School art students, who painted the downtown windows for the holidays. The Chamber of Commerce tree lighting ceremony will be held on Saturday, December 5th @ 5:30 p.m. in Rotary Park.

INFORMATION ONLY

1. **Update on Winters Farmers Market and the Winters Community Garden**

Housing Programs Manager Dan Maguire said the enclosed staff report would provide an update to Council on the first year of the Farmers Market. He also asked for direction from Council regarding the Community Garden. He said the first year was a success and the market should be self-sustaining in the second year. Market manager Ana Kormos is studying the post market surveys and looking at a couple of components to improve the market, ie: add craft vendors once a month, provide a tasting shed, where fresh market produce is provided with simple preparation. The grant that has funded the market ends in June of 2010, so the Davis Farmers Market will then be the lead agency. Council Member Anderson asked if this were the case, would Winters have a voice on the board? Dan said there are currently 2 directors on the board who are Winters residents, which includes the market manager. The first public outreach

meeting is scheduled for January 21, 2010 at the Community Center. Council Member Anderson confirmed the mention of recycled water in the draft of the Rules & Procedures for the Winters Community Garden was language used by another city. He also proposed the lobby to build water into the plot fee, as we are faced with tough budgetary times. Dan Maguire said he would provide the numbers for water. Council Member Anderson also inquired about water conservation. Ana replied it would be encouraged and added that drip timers would not be allowed. Seminars and workshops will be provided to all gardeners regarding composting and watering practices. Mayor Martin asked who decides who gets a garden plot and if there was a mechanism in place to make these choices. Ana said Bill Maynard, Community Garden Program Coordinator with the City of Sacramento, who has provided invaluable information and expertise during this process, suggested a lottery. Components such as preference to multi-family or low-income participants may be built into the lottery. Mayor Martin asked if the gardeners would receive their plot for life? Ana said an assessment would be made after the first year. Council Member Fridae asked Ana to report back to let Council know what's working and what's not, long term v.s. short term. Council Member Anderson spoke in favor of rotating a percentage of the garden to spread it out. Council Member Fridae thanked Ana and Dan for their hard work. He also thanked Mike Briggs for sharing his talents and resources and his depth of knowledge of the rules of the Sacramento Area Garden Coalition. Council Member Aguiar-Curry asked when the survey results might be available. Ana said the results would be ready in January. Mayor Martin said the Community Garden will be a fantastic addition to the community. Dan said the support from Council was fabulous. Ana said she would ask Bill Maynard to attend a future Council meeting to further address Council's questions. Council Member Aguiar-Curry asked if more grant money was being sought. Ana said the City's participation in healthy eating, healthy living would increase the opportunities in funding.

ADJOURNMENT

Mayor Martin adjourned the regular meeting of the City Council at 8:29 p.m.

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Michael Martin, MAYOR

ATTEST:

_____
Nanci G. Mills, City Clerk

CITY OF WINTERS California Est. 1875

Minutes of the Regular Meeting of the Winters City Council Held on November 17, 2009

Mayor Michael Martin called the meeting to order at 6:30 p.m.

Present:	Mayor Michael Martin, Council Members Cecilia Aguiar-Curry, Harold Anderson, Woody Fridae and Mayor Michael Martin
Absent:	Council Member Tom Stone
Staff:	City Manager John Donlevy, City Attorney John Wallace, Director of Financial Management Shelly Gunby, and City Clerk Nanci Mills.

Michael Lafferty of the Department of Consumer Affairs led the Pledge of Allegiance.

Approval of Agenda: City Manager Donlevy said there were no changes to the agenda. Motion by Council Member Aguiar-Curry, second by Council Member Fridae to approve the agenda. Motion carried unanimously with one absent.

COUNCIL/STAFF COMMENTS Council Member Aguiar-Curry recently attended the Legislative briefings at the League of California Cities. Staff members Shelly Gunby and Dawn Van Dyke also participated in a webinar provided by the League of California Cities, and as per Shelly Gunby, the experience was positive and they were able to obtain the information without leaving the office. If anyone is interested in receiving the Legislative report from the League of California Cities, the cost is $10. Council Member Aguiar-Curry will be attending the League of California Cities Leadership Conference and while there will also be attending a Policy Committee meeting. She also wanted to thank City Manager Donlevy for his hard work during the construction of the library. He stuck by it and a lot of people commented how nice the library is. Council Member Fridae echoed Council Member Aguiar-Curry's comments regarding the library. The Grand Opening was a tremendous affair. On Saturday, November 14, approximately 200 people were using the library. A great job all the way around and it was good to see Dale come back for the event. All partners did a great job. Council Member Anderson attended a Transportation District Meeting on 11/16 and a SACOG meeting on 11/12, where there was a briefing on the water bill. The consensus is the Delta is in trouble. Also, the TDA claim was awarded for road work. Council Member Aguiar-Curry

added that she attended a Water Resources Association Meeting and would like to ask them to give a presentation at a future City Council meeting. Mayor Martin reminded everyone about the upcoming annual Community Thanksgiving Dinner being held on November 22. Council members will be delivering to housebound residents from 4:30 to 5:00, with the dinner starting at 5:00 p.m. at the Community Center. Please contact Nanci Mills or Tracy Jensen at City Hall to be added to the delivery list. With the state of the economy, more people are expected than last year.

PUBLIC COMMENTS: None

CONSENT CALENDAR

A. **Minutes of the Regular Meeting of the Winters City Council Held on November 3, 2009**
B. **Resolution 2009-58, a Resolution of the City Council of the City of Winters, Adopting a Memorandum of Understanding (MOU) for the Winters Police Officers Association**

City Manager Donlvey gave a brief overview. He stated the MOU is within the parameters of the budget and requested it be adopted. Motion by Council Member Aguiar-Curry, second by Council Member Anderson, to approve the consent calendar. Motion carried unanimously, with one absent.

PRESENTATIONS

Michael Lafferty, the Outreach Manager of the California Department of Consumer Affairs (DCA), gave an informative presentation to the Council. He indicated he would be available to come back to Winters to give presentations to the Hispanic Advisory Committee and the Seniors at the Community Center. He also provided the phone number for the National Do Not Call Registry (1-888-382-1222).

Eagle Scout Morgan Dana Fjord was not able to attend the City Council meeting to receive a Proclamation from the City Council. Mayor Martin agreed to present the Proclamation at a ceremony to be held on November 29.

DISCUSSION ITEMS

1. **Second Reading and Adoption of Ordinance 2009-13, an Ordinance of the City Council of the City of Winters, Adding Chapter 17.120, Vacant and Abandoned Property Registration, to the Winters Municipal Code to Require Owners and Other Persons Responsible for Vacant and Abandoned Property to Register with the City and to Maintain Such Property**

City Attorney Wallace stated there have been no changes, public input or opposition since the introduction of this Ordinance on November 3.

Motion by Council Member Aguiar-Curry, second by Council Member Anderson, to adopt Ordinance 2009-13, adding Chapter 17.120, Vacant and Abandoned Property Registration to the Winters Municipal Code, to require owners and other persons responsible for vacant and abandoned property to register with the City and to maintain such property. Motion carried with the following vote:

AYES: Council Members Aguiar-Curry, Anderson, Fridae, and Mayor Martin
NOES: None
ABSENT: Council Member Stone
ABSTAIN: None

2. **Second Reading and Adoption of Ordinance 2009-14, an Ordinance of the City Council of the City of Winters, Allowing Billing for Multiple Police Calls, Driving Under the Influence, and Emergencies**

City Attorney Wallace stated there have been no changes, public input or opposition since the introduction of this Ordinance on November 3. He said this Ordinance would address unlawful or uncivil behavior and allow the police department to focus on their jobs. Mayor Martin asked if reimbursement could be obtained outside the City limits. City Attorney Wallace replied yes.

Motion by Council Member Fridae, second by Council Member Aguiar-Curry, to adopt Ordinance 2009-14, allowing billing for multiple police calls, driving under the influence and emergencies. Motion carried with the following vote:

AYES: Council Members Aguiar-Curry, Anderson, Fridae, and Mayor Martin
NOES: None
ABSENT: Council Member Stone
ABSTAIN: None

3. **Fiscal Sustainability Workshop**

City Manager John Donlevy said he would like to schedule a Fiscal Sustainability Workshop session for Council members and has recommended three dates. Senator Lois Wolk indicated in a recent conversation with City Manager Donlevy that the State will be coming after us in a very big way. Currently, sales tax and property tax are both down and only four building permits have been issued. City Manager Donlevy would like the opportunity to sit down with the Council

members in a workshop format in order to receive direction. The City will be facing some serious fiscal issues which we need to start addressing. After discussion by Council, it was decided to schedule the Fiscal Sustainability Workshop for Thursday, December 10, 2009 at 6:30 p.m.

COMMUNITY DEVELOPMENT AGENCY

1.

CITY MANAGER REPORT: City Manager Donlevy said he has e-mailed a copy to Council members of the letter sent to the Bureau of Reclamation regarding issues regarding the overall process at Lake Berryessa. Through this process, they have shut down and bankrupted five of the seven resorts and all of the trailers have been removed. Through a bidding process, and a decision to re-bid, the record of decision for the Berryessa Re-Use Plan basically gives the City of Winters the role of classroom observer and not necessarily privy to anything that's going on even though we're critical stakeholders. A letter has been sent to Mike Finnigan, Area Manager, with a copy going to Congressman Mike Thompkins' office. The Holiday Baskets are going fast, with a record number of people coming in to sign up, reflecting the tough time we're having in Winters. City Manager Donlevy also wanted to give Council members a heads-up regarding an anticipated article in the Express regarding a public notice taken out seeking a liquor license out at the freeway, although no application or plans have been submitted for a project.

INFORMATION ONLY

EXECUTIVE SESSION

Real Estate Negotiation per Government Code Section 54956.8 – APN 003-204-05-1, APN 003-204-06-1

Council Member Anderson recused himself due to a possible conflict of interest. The City Council authorized City Manager Donlevy to negotiate.

ADJOURNMENT

Mayor Martin adjourned the meeting into Executive Session at 7:08 p.m.

Michael Martin, MAYOR

ATTEST:

Nanci G. Mills, City Clerk

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CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Council Members

DATE: December 15, 2009

THROUGH: John W. Donlevy, Jr., City Manager

FROM: Shelly Gunby, Director of Financial Management
Dan Maguire, Housing Programs Manager
Dawn Van Dyke, Management Analyst

SUBJECT: Resolution 2009-60 of the City Council of the City of Winters Receiving from the Community Development Agency the Annual Redevelopment Report to Legislative Body, State Controller's Office, and State Housing and Community Development Department for Fiscal Year Ending June 30, 2009 and Authorizing its Submittal

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Requested City Council Action:
Approve Resolution 2009-69 authorizing submittal of Annual Redevelopment Report for Fiscal Year Ending June 30, 2009 to Legislative Body and direct staff to transmit the Annual Report to the State Department of Housing and Community Development and the State Controller's Office.

Summary:
Section 33080.1 of Community Redevelopment Law of the State of California, Health and Safety Code ("CRL") requires that each redevelopment agency within the State of California present an annual report to its legislative body within six months of the end of the agency's fiscal year. Each agency is also required to transmit to the California State Controller's Office the agency's financial statement information for the fiscal year ending June 30, 2009, within six months of the end of the agency's fiscal year (December 31, 2009) and transmit to the State Department of Housing and Community Development the agency's low- and moderate-income housing activity statistics for the same fiscal period.

The Community Development Agency of the City of Winters ("Agency") 2008-09 Annual

Report consists of various financial and performance information for the Winters Community Development Agency Project Area comprised of the following:

1) Independent Financial Audit and Financial Statement
2) Report to the State Controller's Office
3) Report to the State Department of Housing and Community Development
4) Accounting of Housing and Displacement Activities
5) Summary of the Agency's Efforts to Alleviate Blight in the Project Area
6) Loan Report Identifying any loans made by the Agency that are $50,000 or more and which are in default or non-compliance with the terms of the loan.
7) Description of Agency-owned property

These materials are described below:

Independent Financial Audit and Financial Statement

The CDA's Independent Financial Audit and Fiscal Statement for Fiscal Year 2008-09 are on file with the Director of Financial Management. An independent auditor conducted an audit in the Agency's financial statements and each major fund of the Agency for the year ending June 30, 2009. The auditor's opinion is that the financial statements if the Agency present fairly, in all material respects, the respective financial position of the Agency's governmental activities and each major fund of the Agency as of June 30, 2009 and the respective changes in the financial position thereof and the respective budgetary comparison for the Housing Set-Aside Fund for the fiscal year then ended, in conformity with accounting principles generally accepted in the United States of America. The auditor's analysis and financial highlights concluded the assets of the Agency exceeded the liabilities by $4,167,308, at the government-wide level. Of the Agency's $22,302,286 Total Assets, $3,304,933 is restricted for housing projects, $1,023,035 is restricted for debt service and the remaining amount relates to capital assets or is unrestricted. The audit also determined that the Agency's governmental funds reported ending fund balances of $15,111,682 ($3,304,933 for the Housing Set-Aside Special Revenue Fund, $1,023,035 for the Debt Service Fund, and $10,783,714 for the Capital Projects Funds).

Report to the State Controller's Office

The Report to the State Controller's Office is a compilation of the materials described within this staff report. California Redevelopment Law requires these materials to be sent to the State Controller's Office within six months of the end of the CDA's fiscal year (by December 31, 2009).

Report to the State Department of Housing and Community Development (HCD)

Attached is a draft HCD report for the City Council's review. California Redevelopment Law requires the HCD Report to be submitted within six months of the end of the CDA's fiscal year (by December 31, 2009). This report can be transmitted electronically.

Accounting of Housing and Displacement Activities

1) Displacement: There were no non-elderly or elderly households that were displaced or moved from their dwelling units as part of a redevelopment project of the Agency during the 2008-09 fiscal year.
2) Housing Activity: The CDA provided funds for a consultant (EPS) and provided staff to assist with the preparation of the 2008 Housing Element. The Housing Element was adopted by the City Council on September 1, 2009. The Department of Housing and Community Development issued a letter on October 29, 2009 finding the adopted Housing Element in full compliance with State housing element law (Article 10.6 of the Government Code).

Summary of the CDA's Efforts to Alleviate Blight in the Project Area ("Blight Progress Report")

CRL Section 33080.1 (a)(2)(d), requires a description of the CDA progress, including specific actions and expenditures, in alleviating blight in the previous fiscal year. In its 2003-2008 Implementation Plan the CDA identifies various goals and objectives to alleviate blight in the Project Area. The CDA also adopted a new Implementation Plan for fiscal years 2008-09 through 2012-13 ("Implementation Plans"). Both Implementation Plans list the CDA's plans for the elimination of blight. This Blight Progress Report is described in a manner corresponding to the goals and objectives described in the Implementation Plans.

The overall goal of the CDA is to maximize the benefits of the CDA to the community, while preserving the historical ambiance and quality of life in Winters. In order to achieve these goals, the CDA has identified objectives that are designed to alleviate blighting conditions in the Project Area.

1) Objective: To provide a stable, diversified and stronger economic base for the Project Area and Community.

   Accomplishment: In May of 2007, the CDA issued a Request for Proposals for Brand Image Development; on July 15, 2008 the City of Winters entered into an agreement with Kathleen Iudice & Associates to help the City of Winters prepare a brand and logo to help the Chamber, businesses and the City compete in the current economic market. The agreement was later terminated by mutual agreement and the CDA entered into a Consultant Services agreement with DaRe, LLC, to continue the development of the City Logo. Working with the Brand Development Committee, DaRe, LLC developed the City's new stylized tree logo with one version to be used by the City of Winters and another to be used to in marketing of economic development. In June, 2009, the CDA approved the logo, which is now in use by the City of Winters and can be seen in the Downtown on the street light banners, and at the Visitors Center.

   Accomplishment: In May, 2009 the CDA entered into an agreement with the Winters Chamber of Commerce for the development of a Visitors Center at

11 Main Street. The Chamber of Commerce relocated its office inside the Center and provides staffing under contract with the CDA. The CDA concurrently approved a Consultant Services Agreement with DaRe, LLC for interior design and multi-media center development. The Visitors Center serves as a marketing hub for local products, a concierge for visitors and an information outlet for local business and recreational activities. It is also a business recruitment and location resource for both local businesses looking to relocate and businesses looking to locate in Winters.

Accomplishment: In May, 2009, the CDA purchased the Grant Avenue lot on south side of Grant Avenue between East Street and Morgan Street formerly known as Granite Bay Commercial. The CDA authorized the issuance of an RFP for potential developers to offer proposals for development of the site. The RFP should result in an exclusive negotiation agreement and could lead to development of the site in 2010.

Accomplishment: In 2005, the CDA authorized the execution of a Lease Assistance Program to encourage economic development to businesses in the project area. To date, four businesses have entered into contracts with the CDA.

Accomplishment: In May 2009, the CDA purchased the property and building at 311 First Street. This property represents a key element in implementing the Downtown Master Plan, which includes infill development on the entire block. Plans are currently underway for the construction of a temporary parking lot on the site.

2) Objective: To provide safer, more efficient and economical movement of persons and goods within the Project Area and community.

Accomplishment: In March, 2006, the CDA approved the Downtown Master Plan, which provides a vision for overall economic and capital development of the central business district in downtown Winters. This adopted document includes a variety of plans and policies that represent key steps in achieving the overall build-out of the area including pedestrian improvements, street improvements, parking improvements, alleyway improvements etc. Several steps have been taken during the reporting period to implement this plan:

- In 2006/2007, the City of Winters authorized funding for construction and improvement of the Parking Lot at the corner of Railroad Avenue and Main streets; the development of Rotary Park was a key component of this project.

- In Oct. 2007, the CDA authorized funding for the design and construction of the Downtown Streetscape Improvement Project, Phase 1, which was completed in the fall of 2008. This project consisted of pedestrian improvements, intersection bulb-outs, plantings and furnishings at the intersection of Main Street and Railroad

Avenue, on the east side of Railroad Avenue between Main and Abbey streets, and the south side of the Railroad Avenue and Abbey Street intersection.

- In March of 2008, the City received funding through the SACOG Community Design grant program for Phase II of the Downtown Streetscape Improvement Project, which will include parts of Main Street and the intersection of First and Main streets. Currently in the environmental review stage, the project is expected to go to bid in the spring of 2010. The CDA will provide matching funds for the grant.

3) Objective: to conserve and improve existing public facilities and to provide such new facilities as needed for the improvement of the Project Area.

Accomplishment: During the 2007/2008 reporting year, the CDA authorized expenditures up to $8.4 million for construction of a planned new Public Safety Facility at the northwest corner of Main Street and Grant Avenue. This facility will house the police and fire department and includes emergency back up generators and a communications tower. The facility went out to bid on August, 2009, with the lowest bid accepted at $6,366,000.00. The CDA accepted the low bid and authorized expenditures up to $8 million. The facility is currently under construction. Completion is expected in the fall of 2010.

Accomplishment: During the 2007/2008 reporting year the CDA authorized expenditures in the amount of $650,000 toward the construction of a new Joint Use Co-Located Winters branch of the Yolo County Library on the Winters High School campus. The library broke ground in Nov. 2008, and was completed in Nov. 2009. The library is currently open.

Accomplishment: In Oct. 2007, the CDA authorized funding for construction of the Downtown Streetscape Improvement Project, Phase I. This project was completed in the fall of 2008. The City received a SACOG Community Design Grant in the amount of $495,000 to construct Phase II of this project in the spring of 2010. The CDA will provide matching funds for this project. Construction will include bulb outs at the intersection of First and Main streets, and pedestrian improvements to Main Street and Railroad Avenue.

Accomplishment: In the summer of 2009, the CDA took over the lease of the downstairs space at 305 First Street, known as the "Hula Studio." This facility is rented out to organizations such as Studio C School of Dance, used by organizations including NA and AA, and by city-sponsored programs such as the Jardin de Niños pre-kindergarten classes.

4) Objective: to enhance the physical environment of the Project Area and to emphasize its favorable environmental characteristics.

Accomplishment: In September, 2004, the CDA approved the Downtown Façade Improvement Program (DFIP), including Guidelines, Agreement, Ap-

plication, Rebate Claim Form, and Sample Façade Maintenance Easement needed to implement the program; as of December, 2009, 27 storefronts in the project area have been improved utilizing this program.

Accomplishment: In the spring of 2008, the CDA executed a contract with PMC for the development of a Downtown Code, which is a type of Form Based Code created specifically for Downtown Winters. A Form Based Code is different from a Zoning Code in that it focuses on the feeling created by the buildings, the appearance, qualities and space outside and in the public zone, rather than on the use inside the buildings. The Downtown Code was adopted in Sept. 2009. A SACOG Citizen Engagement grant provided $19,000 toward the cost of the contract with PMC.

5) Objective: to maximize opportunities for the revitalization, expansion and development of commercial and industrial uses within the Project Area.

Accomplishment: In May, 2009, the CDA purchased the Grant Avenue lot on south side of Grant Avenue between East Street and Morgan Street formerly known as Granite Bay Commercial. The CDA authorized the issuance of an RFP for potential developers to offer proposals for development of the site. The RFP should result in an exclusive negotiation agreement and could lead to development of the site in 2010.

Accomplishment: In May 2009, the CDA purchased the property and building at 311 First Street. This property represents a key element in implementing the Downtown Master Plan, which includes infill development on the entire block. Plans are currently underway for the construction of a temporary parking lot on the site.

Accomplishment: In Feb. 2007, the CDA purchased 23 Main Street, in downtown Winters. The CDA intends to provide for a permanent 10-foot access easement through the property from the alley to Main Street for pedestrian purposes, as identified in the Downtown Master Plan.

Accomplishment: In Sept. 2004, the CDA purchased an 18,949 square foot property on Railroad Avenue between Main and Abbey streets for future in-fill development of downtown Winters. On October 2, 2006, the CDA authorized staff to move forward with a Disposition and Development Agreement with Monticello Investors for the development of a mixed-use project and the disposition of the property. The Disposition and Development Agreement was unanimously approved and adopted by the CDA on Sept. 2, 2008.

6) Objective: to improve and increase the community's supply of affordable housing in a manner consistent with the Housing Element of the General Plan and California Community Redevelopment Law of the State of California, Health & Safety Code Section 33000 et seq., policies to increase, improve and expand the community's supply of affordable housing.

Accomplishment: The CDA is currently in negotiations with developers for de-

velopment of Orchard Village. This is a new-construction, multi-family project that would result in a 74-unit project, 73 of which would be affordably restricted for a period of 55 years. The CDA has designated $1,300,000 in funding to the project by resolution.

Accomplishment: The CDA is currently in negotiations with the owner of Almondwood, which is a 39 unit multi-family housing project that includes 34 affordable units that are at-risk of being converted to market rate. This would be an acquisition-rehabilitation project and would result in an affordability restriction of 55 years. The CDA has designated $600,000 in funding to the project by resolution.

7) Objective: To accomplish these goals with minimum displacement of any property owner, resident or business person who may wish to remain within the Project Area.

   Accomplishment: No property owners, residents or business owners were displaced due to CDA efforts.

Loan Report:

CRL Section 33080.1 (a)(2)(e), requires a list of and status report on all loans made by the redevelopment agency that are fifty thousand dollars or more, that in the previous fiscal year were in default or not in compliance with the terms of the loan approved by the CDA. There are no loans in default or not in compliance with the terms of the loan.

Description of Agency-owned Property

CRL Section 33080.1 (a)(2)(e), requires a description of the total number of and nature of properties that the Agency owns and those properties the Agency acquired in the 2008-09 fiscal year.

1) Railroad Avenue and Main Street Lot

   Address: East Side of Railroad Ave. between Abbey St. and Main St., Winters
   Parcel #: APN 003-224-01
   Cost of Purchase: $120,000

   In September 2004, the CDA purchased the above mentioned property from the City for the purpose of moving forward with the development of a mixed-use project on the site and the master plan to build out the Main Street Village block. The CDA paid the appraised value of $120,000. The property has an area of 18,949 square feet or .44 acres, is zoned C-2 (Central Business District) and has no known development constraints. The property is located within the Project Area.

On October 2, 2006, the CDA authorized staff to move forward with a Disposition and Development Agreement with Monticello Investors for the development of a mixed-use project and the disposition of the property. The Disposition and Development Agreement was unanimously approved and adopted by the CDA on Sept. 2, 2008.

2) Winters Village Affordable Housing Complex Property

Address: 110 East Baker Street, Winters
Parcel #: APN 003-370-15
Cost of Purchase: $460,000

On October 19, 2004, the CDA authorized the expenditure of funds, for the purchase of a 1.71 acre vacant parcel at 110East Baker (the "property") at its $460,000 appraised value, for the development of the Winters Village Affordable Housing Project. The CDA became the owner in title on November 19, 2004. On March 1, 2005, the CDA entered into an Agreement to Negotiate Exclusively with the Community Housing Opportunities Corporation ("CHOC") to prepare a Disposition and Development Agreement with respect to the Property. In August of 2006, the CDA approved a Ground Lease with Bruhn Orchards Housing Associates, L.P., a California Limited Partnership that was established by CHOC, which provides for a long term lease of the Property for $1.00 per year and which provides for the development of the Property. The CDA provided a predevelopment loan in the amount of $50,000, a development loan in the amount of $150,000, and a grant of $1,400,000 for the project. The two loans are on favorable terms. The CDA also picked up a portion of closing costs for the project. Additionally, the City of Winters was awarded a HOME grant in 2005 and the City is loaning $2,850,280 of the HOME funds to CHOC for the Winters Village project under favorable terms. Winters Village was completed in December of 2007, began leasing units in January of 2008, with the project fully leased by June of 2008 and offers a total of 34 very-low income units: 7 at 35% of median income; 7 at 40% of median income, and 20 at 50% of median income.

3) 23 Main Street

Address: 23 Main Street
Parcel #: 003-204-12-1
Cost of Purchase: $174,178.45

In February 2007, the CDA purchased 23 Main Street in downtown Winters from the Barbour/Whitworth Family for $174,178.45. The CDA intends to provide for a permanent ten foot access easement through the property from the alley to Main Street for pedestrian purposes, as identified in the Downtown Master Plan. The Winters Center for the Arts has the option to lease back or purchase the property provided they have a bona fide development proposal for the construction of an Art Center building on the site which would be used by the Winters Center for the Arts and the public.

4) Grant Avenue Commercial Property (formerly Granite Bay Holdings Commercial)

Address: Grant Avenue lot on south side of Grant Avenue between East Street and Morgan Street
Parcel #(s): 003-370-28, 003-370-29, & 003370-30
Cost of Purchase: $681,823.04

In May, 2009, the CDA purchased the Grant Avenue property in a foreclosure sale for $681,823.04. The 4.5 acre property is zoned C-2 (Central Business District). On October 6, 2009, the CDA authorized the advertisement of a Request for Proposals ("RFP") to potential developers. The purpose of the RFP is for developers to submit formal project proposals and fiscal information from potential development professionals. These non-binding proposals can be used by the Agency to negotiate a development for the site.

5) First Street Property

Address: 311 First Street
Parcel #: 003-204-02
Cost of Purchase $460,141.07

In May, 2009 the CDA purchased the First Street property from the William L. and Mary Portello Trust. The .207 acre property is zoned C-2 (Central Business District). Plans are underway for the removal of the existing steel building structure and the construction of a temporary parking lot on the site. Long term plans are to include the property as part of an aggregation of several CDA and City owned properties to be redeveloped in concert with the Downtown Master Plan.

ATTACHMENTS:

- Independent Financial Audit and Financial Statement
- Report to the State Department of Housing and Community Development
- Resolution No. 2009-60

RESOLUTION NO. 2009-60

A RESOLUTION OF THE COMMUNITY DEVELOPMENT AGENGY OF THE CITY OF WINTERS SUBMITTING THE REDEVELOPMENT ANNUAL REPORT FOR THE FISCAL YEAR ENDING JUNE 30, 2009 TO THE CITY COUNCIL OF WINTERS

WHERAS, Section 33080.1 of the Community Redevelopment Law of the State of California, Health and Safety Code, requires that each redevelopment agency within the State of California present an annual report to its legislative body within six months of the end of the agency's fiscal year; and

WHERAS, the Community Development Agency of the City of Winters has prepared the 2008/2009 Annual Report containing various financial and performance information for the Winters Community Development Agency Project Area and has submitted it to the City Council.

NOW, THEREFORE, BE IT RESOLVED by the Community Development Agency of the City of Winters that it has submitted the Redevelopment Annual Report for Fiscal Year ending June 30, 2009 to the City Council of the City of Winters.

DULY AND REGULARLY ADOPTED this 15th day of December 2009 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CITY OF WINTERS

_____

Michael Martin, Mayor

ATTEST:

_____

Nanci Mills, City Clerk

WINTERS COMMUNITY DEVELOPMENT AGENCY

AUDITED FINANCIAL STATEMENTS

FOR THE FISCAL
YEAR ENDED JUNE 30, 2009

CITY OF
WINTERS
california
Est. 1875

WINTERS COMMUNITY DEVELOPMENT AGENCY

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BOLER & ASSOCIATES

PROFESSIONAL ACCOUNTANCY CORPORATION
750 F STREET • DAVIS, CA 95616 (530) 756-1735

INDEPENDENT AUDITOR'S REPORT

Chairman and Honorable Directors
of the Winters Community Development Agency
Winters, California

We have audited the accompanying financial statements of the governmental activities and each major fund of the Winters Community Development Agency (the Agency), a component unit of the City of Winters, California, as of and for the year ended June 30, 2009, which collectively comprise the Agency's basic financial statements as listed in the table of contents. These financial statements are the responsibility of the Agency's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in the *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinions.

As discussed in Note 1, the financial statements present only the Winters Community Development Agency and are not intended to present fairly the financial position and results of operations of the City of Winters, California, in conformity with accounting principles generally accepted in the United States of America.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the governmental activities and each major fund of the Agency, as of June 30, 2009, and the respective changes in financial position thereof and the respective budgetary comparison for the the Housing Set-Aside Fund for the year then ended in conformity with accounting principles generally accepted in the United States of America.

The Agency has not presented the Management's Discussion and Analysis that the Governmental Accounting Standards Board has determined is necessary to supplement, although not required to be part of, the basic financial statements.

BASIC FINANCIAL STATEMENTS

WINTERS COMMUNITY DEVELOPMENT AGENCY

STATEMENT OF ACTIVITIES
FOR THE FISCAL YEAR ENDED JUNE 30, 2009

	Expenses	Charges for Services	Capital Grants and Contributions	Operating Grants and Contributions	Net (Expense) Revenue and Changes in Net Asset
GOVERNMENTAL ACTIVITIES:					
Legal and professional	$ 1,142,982	$ -	$ -	$ -	$ (1,142,982)
Administration	514,179	-	-	-	(514,179)
Community development	128,210	-	-	-	(128,210)
Pass-through agreements	360,476	-	-	-	(360,476)
Interest on long-term debt	773,758	-	-	-	(773,758)
TOTAL GOVERNMENTAL ACTIVITIES	$ 2,919,605	$ -	$ -	$ -	(2,919,605)
GENERAL REVENUES:					
Tax increment revenues					2,013,682
Use of money and property					381,067
TRANSFERS TO OTHER CITY FUNDS					(270,674)
TOTAL GENERAL REVENUES					2,124,075
CHANGE IN NET ASSETS					(795,530)
Net assets, July 1:					
As originally reported					4,663,807
Prior period adjustment					299,031
As restated					4,962,838
NET ASSETS, JUNE 30					$ 4,167,308

The accompanying notes to component unit financial statements are an integral part of this statement.

WINTERS COMMUNITY DEVELOPMENT AGENCY

RECONCILIATION OF THE GOVERNMENTAL FUNDS BALANCE
SHEET TO STATEMENT OF NET ASSETS
AS OF JUNE 30, 2009

TOTAL FUND BALANCES - TOTAL GOVERNMENTAL FUNDS		$ 15,111,682
Amounts reported for governmental activities in the statement of net assets are different because:		
Capital assets used in governmental activities are not current assets or financial resources and therefore are not reported in the Governmental funds. The capital assets reported in the Statement of Net Assets are as follows:		
Land	$ 1,922,649	
Construction in progress	1,482,675	
Buildings and improvements	1,053,427	
Equipment	5,431	
Infrastructure	1,499,842	
Less: accumulated depreciation	(212,039)	5,751,985
Certain notes receivable and accounts receivable are not available to pay for current period expenditures and, therefore are offset by deferred revenue in the governmental funds.		433,938
Long-term assets and liabilities are not due and payable in the current period and therefore are not reported in the governmental funds' balance sheet:		
Deferred charges associated with the issuance of bonds	$ 1,011,672	
Less: accumulated amortization	(110,516)	
Bonds payable	(17,765,000)	
Compensated absences	(8,874)	(16,872,718)
Interest payable on long-term debt does not require the use of current financial resources and, therefore, is not reported in the governmental funds.		(257,579)
NET ASSETS OF GOVERNMENTAL ACTIVITIES		$ 4,167,308

The accompanying notes to component unit financial statements are an integral part of this statement.

CITY OF WINTERS, CALIFORNIA

RECONCILIATION OF THE GOVERNMENTAL FUNDS STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES OF GOVERNMENTAL FUNDS TO THE STATEMENT OF ACTIVITIES FOR THE FISCAL YEAR ENDED JUNE 30, 2009

NET CHANGE IN FUND BALANCES - TOTAL GOVERNMENTAL FUNDS		$ (3,157,587)
Amounts reported for governmental activities in the statement of activities are different because:		
Governmental funds report capital outlays as expenditures. However, in the Government-wide Statement of Activities, the cost of those assets is capitalized and allocated over their estimated useful lives and reported as depreciation expense.		
Capital outlay capitalized for the fiscal year	$ 2,082,458	
Depreciation expense for the current fiscal year	(75,925)	2,006,533
Certain notes receivable are reported in the governmental funds as expenditures and then offset by a deferred revenue as they are not available to pay current expenditures. This amount is the net change between notes receivable collected and issued.		81,119
Some expenses reported in the statement of activities do not require the use of current financial resources and therefore are not reported as expenditures in governmental funds (net change during the current period):		
Current amortization of deferred charges	$ (32,687)	
Principal repayment of bonds	295,000	
Change in accrued interest payable	2,043	
Change in compensated absences	10,049	274,405
CHANGE IN NET ASSETS OF GOVERNMENTAL FUNDS		$ (795,530)

The accompanying notes to component unit financial statements are an integral part of this statement.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The accompanying summary of the more significant accounting policies of the Winters Community Development Agency (Agency) is presented to assist the reader in interpreting the financial statements and other data in this report. The accounting policies of the Agency conform in all material respects to accounting principles generally accepted in the United States of America as applicable to governmental units. The Governmental Accounting Standards Board (GASB) is the accepted standard setting body for establishing governmental accounting and financial reporting principles. The following is a summary of the more significant policies.

A. Organization and Purpose

The Agency was established under the provisions of the Community Redevelopment Law (California Health and Safety Code, commencing with Section 30000). The Agency was created to revitalize and upgrade a significant area of the community for the purpose of increasing sales and business tax revenues, assuring coordinated growth and stability, and improving the quality of life for residents of the City of Winters (City). The City Council members serve as the governing body of the Agency. The City performs all accounting and administration functions. The Agency has one project area.

The Agency meets the criteria for inclusion as a blended component unit within the City's reporting entity based on the City's oversight responsibility in selection of the governing board. In addition, all of the Agency's activities are conducted within the geographic boundaries of the City. Blended component units, although legally separate entities, are, in substance, part of the City's operation and so data from these units are combined with data from the primary government in the financial statements presentation of the City as a whole.

The Agency's primary source of revenue, other than loans and advances from the City, comes from property taxes, referred to in the accompanying financial statements as "tax increment revenue." Section 333346 subdivision (c) of the California Health and Safety Code requires the Agency project areas to deposit 20% of allocated tax revenues into a Low and Moderate Income Housing Fund.

B. Basis of Accounting

The government-wide financial statements are reported using the economic resources measurement focus and the full accrual basis of accounting. Revenues are recorded when *earned* and expenses are recorded at the time liabilities are *incurred*, regardless of when the related cash flows take place.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

When both restricted and unrestricted resources are available for use, it is the Agency's policy to use restricted resources first, then unrestricted resources, as they are needed.

Fund Financial Statements:
The accounts of the Agency are organized on the basis of funds. A fund is a separate self-balancing set of accounts. Each fund was established for the purpose of accounting for specific activities in accordance with applicable regulations, restrictions or limitations. Separate financial statements are provided for governmental funds. Both of the Agency's funds are considered to be major individual governmental funds and are reported as separate columns in the fund financial statements.

Governmental funds are used to account for the Agency's expendable financial resources and related liabilities. The Agency uses a special revenue fund, debt service fund, and a capital projects fund, to account for financial resources used for the activities of the Agency.

D. Major Funds

Governmental Accounting Standards Board Statement No. 34 defines major funds and requires that the Agency's major governmental type funds be identified and presented separately in the fund financial statements. Major funds are defined as funds that have either assets, liabilities, revenues, or expenditures equal to ten percent of their fund-type total and five percent of the grand total. The Agency has determined that all of its funds are major funds.

The Agency reported the following major governmental funds in the accompanying financial statements:

- Housing Set-Aside Special Revenue Fund - The Housing Fund accounts for the 20% tax increment income which will be used by the Agency for the purposes of increasing and improving the City's supply of housing for persons and families of very low or moderate income.

- Debt Service Fund – This fund accounts for debt service payments on the Agency's long-term debt issues.

- Capital Projects Fund- the Community Development Fund is used to account for financial resources to be used for the acquisition or construction of major capital facilities within the Winters Community Development Agency.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

reduction of the frozen base so that the production of tax increment income from a new development will not be impaired.

Tax Levy Dates

All lien dates attach annually on January 1 preceding the fiscal year for which the taxes are levied. The fiscal year begins July 1 and ends June 30 of the following year. Taxes are levied on both real and secured personal property as it exists at that time. Liens against real estate, as well as the tax on personal property, are not relieved by subsequent renewal or change in ownership.

Tax Collections

The county tax collector is responsible for all property tax collections. Taxes and assessments on secured and utility rolls which constitute a lien against the property, may be paid in two installments; the first installment is due on November 1 of the fiscal year and is delinquent if not paid by December 10, the second installment is due on March 1 of the fiscal year and is delinquent if not paid by April 10. Unsecured personal property do not constitute a lien against real property unless the taxes become delinquent. Payment must be made in one installment, which is delinquent if not pay by August 31 of the fiscal year. Significant penalties are imposed by the county for late payments.

The Agency has elected to receive the property taxes from the County under the Teeter Bill. Under this program, the Agency receives 100% of the levied property taxes in periodic payments with the County assuming responsibility for the delinquencies.

F. Budgets and Budgetary Accounting

The budget for the Agency is adopted by the City Council members, in their capacity as members of the Community Development Agency Board, and provides for the general operation of the capital projects, special revenue, and debt service funds and is prepared on the modified accrual basis of accounting. The budget becomes effective on July 1 of every year. Debt service on the bond issue constitutes a legally authorized "nonappropriated budget".

Expenditures in excess of budgeted amounts are allowed by law but must be approved individually by the Board.

G. Long-Term Obligations

In the government-wide financial statements, long-term debt and other long-term obligations reported as liabilities in the statement of net assets. Bond issuance costs are deferred and amortized over the life of the bonds. This item is reported as deferred charges and is amortized over the term of the related debt.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

Buildings and improvements are depreciated using the straight-line method over estimated useful lives of 50 years. Improvements other than buildings are depreciated over 10 years using the straight-line method. Infrastructure is depreciated over 50 years using the straight-line method.

The capitalization policy of the Agency is as follows:

Type	Cost
Infrastructure	$200,000 or more
Utility systems	$200,000 or more
Vehicles, equipment and machinery	$5,000 or more
Improvements	$5,000 or more
Land and buildings	$500,000 or more

L. Annual Financial Statement

These financial statements are intended to reflect only the financial position and results of operations of the Winters Community Development Agency. The Agency is a component unit of and is included in the financial statements of the City of Winters, California. The annual financial report of the City is available at the Winters finance department.

M. Reclassifications

Certain reclassifications have been made to the 2008 financial statements to conform to the current presentation. These reclassifications had no effect on total assets, liabilities, or net assets as previously stated.

N. New Accounting Pronouncements

The Agency implemented the requirements of GASB Statements No. 55 and No. 56 during the fiscal year ended June 30, 2009.

- GASB Statement No. 55, *Hierarchy of Generally Accepted Accounting Principles for State and Local Governments,* incorporates the hierarchy of generally accepted accounting principles (GAAP) for state and local governments into the Governmental Accounting Standards Board's (GASB) authoritative literature.
- GASB Statement No. 56, *Codification of Accounting and Financial Reporting Guidance Contained in the AICPA Statements on Auditing Standards*, incorporates into the Governmental Accounting Standards Board's (GASB) authoritative literature certain accounting and financial reporting guidance presented in the American Institute of Certified Public Accountants' Statements on Auditing Standards.

NOTE 2 – CASH AND INVESTMENTS (continued)

Investments Authorized by the California Government code and the Agency's Investment Policy

The table below identifies the investment types that are authorized for the Agency by the California Government Code (or the Agency's investment policy, where more restrictive). The table also identifies certain provisions of the California Government Code (or the Agency's investment policy, where more restrictive) that address interest rate risk, credit risk and concentration of credit risk. This table does not address investments of debt proceeds held by bond trustee that are governed by the provisions of debt agreements of the Agency, rather than the general provisions of the California Government Code or the Agency's investment policy.

Authorized Investment Type	Maximum Maturity	Maximum Percentage Of Portfolio	Maximum Investment In One Issuer
Local Agency Investment Fund (State Pool)	N/A	$40 million	$40 million
U.S. Treasury obligations	5 years	None	None
U.S. Government Agency Issues	5 years	None	None
Insured deposits with banks and savings and loans	N/A	None	15%
Repurchase agreements	90 days	None	15%
Banker's acceptances (must be dollar denominated)	9 months	40%	15%
Commercial paper	6 months	15%	15%
Negotiable time certificates of deposit	5 years	30%	15%
Medium Term Corporate Notes	5 years	30%	10%
Money market funds	N/A	15%	15%

Investments Authorized by Debt Agreements

Investment of debt proceeds held by bond trustees are governed by provisions of the debt agreements, rather than the general provisions of the California Government Code or the Agency's investment policy. The table below identifies the investment types that are authorized for investments held by bond trustee. The table also identifies certain provisions of these debt agreements that address interest rate risk, credit risk, and concentration of credit risk.

Authorized Investment Type	Maximum Maturity	Maximum Percentage Of Portfolio	Maximum Investment In One Issuer
U.S. Treasury obligations	5 years	None	None
U.S. agency securities	5 years	None	None
Banker's acceptances	270 days	40%	15%
Commercial paper	180 days	15%	15%
Guaranteed investment contracts	N/A	None	None
Money market funds	N/A	None	None

NOTE 2 – CASH AND INVESTMENTS (continued)

Disclosures Relating to Credit Risk

Generally, credit risk is the risk that an issuer of an investment will not fulfill its obligation to the holder of the investment. This is measured by the assignment of a rating by a nationally recognized statistical rating organization. Presented below is the minimum rating required by (where applicable) the California Government Code, the Agency's investment policy, or debt agreements, and the actual rating as of fiscal year end for each investment type.

				Rating as of fiscal year end			
Investment Type	Amount	Minimum Legal Rating	Exempt From Disclosure	AAA	AA	A	Not Rated
Local Agency							
Investment Fund	$ 14,040,180	N/A	$ -	$ -	$ -	$ -	$ 14,040,180
Held by bond trustee:							
Money market funds	398	N/A	-	398	-	-	-
Investment contract	542,268	N/A	-	-	-	542,268	-
TOTAL	$ 14,582,846		$ -	$ 398	$ -	$ 542,268	$ 14,040,180

Custodial Credit Risk

Custodial credit risk for deposits is the risk that, in the event of the failure of a depository financial institution, a government will not be able to recover its deposits or will not be able to recover collateral securities that are in the possession of an outside party. The custodial credit risk for investments is the risk that, in the event of the failure of the counterparty (e.g. broker-dealer) to a transaction, a government will not be able to recover the value of its investment or collateral securities that are in the possession of another party. The California Government Code and the Agency's investment policy do not contain legal or policy requirements that would limit the exposure of custodial credit risk for deposits or investments, other than the following provisions for deposits. The California Government Code requires that a financial institution secure deposits made by state or local governmental units by pledging securities in an undivided collateral pool held by a depository regulated under state law (unless so waived by the governmental unit). The fair value of the pledged securities in the collateral pool must equal at least 110% of the total amount deposited by the public agencies. California law also allows financial institutions to secure Agency deposits by pledging first trust deed mortgage notes having a value of 150% of the secured public deposits.

For more information relating to custodial credit risk for amounts reported as cash and investments pooled with the City, see the City of Winters' Comprehensive Annual Financial Report.

NOTE 4 – LONG-TERM DEBT (continued)

	Balance at July 1, 2008	Incurred	Retired	Adjust-ments	Balance at June 30, 2009
Deferred charges	$ 1,011,672	$ -	$ -	$ -	$ 1,011,672
Less: Accumulated amortization	(77,829)	-	(32,687)	-	(110,516)
TOTAL, NET	$ 933,843	$ -	$ (32,687)	$ -	$ 901,156

Tax Allocation Bonds –Series 2004

On February 27, 2004, the Agency issued $7,820,000 of Tax Allocation Bonds bearing interest between 2.00% and 4.63% and payable semi-annually on March 1 and September 1. These bonds provided funds to aid in the financing of redevelopment in the project area. The bonds are special obligations of the Agency and are payable as to principal, interest, and any premiums upon redemption at any time exclusively from the pledged tax revenues of the Agency. $ 6,310,000

Tax Allocation Bonds – Series 2007

On May 31, 2007, the Agency issued $11,470,000 of Tax Allocation Bonds bearing interest between 3.50% and 4.75% and payable semi-annually on March 1 and September 1. These bonds provided funds to aid in the financing of redevelopment in the project area. The bonds are special obligations of the Agency and are payable as to principal, interest, and any premiums upon redemption at any time exclusively from the pledged tax revenues of the Agency. 11,455,000

TOTAL BONDS PAYABLE $17,765,000

The scheduled annual minimum debt service requirements at June 30, 2009 are as follows:

Year Ending June 30	Tax Allocation Bonds, Series 2004			Tax Allocation Bonds, Series 2007		
	Principal	Interest	TOTAL	Principal	Interest	TOTAL
2010	$ 220,000	$ 256,002	$ 476,002	$ 240,000	$ 509,460	$ 749,460
2011	230,000	250,767	480,767	240,000	499,860	739,860
2012	235,000	244,893	479,893	250,000	490,060	740,060
2013	240,000	238,179	478,179	260,000	479,860	739,860
2014	245,000	230,720	475,720	270,000	469,260	739,260
2015 - 2019	845,000	1,061,429	1,906,429	565,000	2,263,088	2,828,088
2020 - 2024	1,040,000	868,170	1,908,170	895,000	2,125,055	3,020,055
2025 - 2029	1,280,000	608,545	1,888,545	1,505,000	1,867,520	3,372,520
2030 - 2034	1,605,000	277,871	1,882,871	2,280,000	1,448,100	3,728,100
2035 - 2039	370,000	8,565	378,565	4,950,000	654,550	5,604,550
	$ 6,310,000	$ 4,045,141	$ 10,355,141	$ 11,455,000	$ 10,806,813	$ 22,261,813

NOTE 7 – NOTES RECEIVABLE

The Agency has issued various first-time homebuyer loans to residents of the City. These loans are payable to the Agency upon sale, transfer of ownership, change in status from owner-occupied to rental, refinancing, or in thirty years, whichever occurs first. The activity of these loans as of June 30, 2009 follows:

	Balance at July 1, 2008	Additions	Payments Received	Balance at June 30, 2009
Redevelopment notes receivable	$ 352,820	$ 81,118	$ -	$ 433,938

NOTE 8 – PRIOR PERIOD ADJUSTMENTS

REDEVELOPMENT AGENCY DEBT SERVICE

For the year ended June 30, 2008, the debt service payments for the outstanding tax allocation bonds were recorded in the Redevelopment's Capital Projects Fund. As a result, the cash and fund balance of the of the Capital Projects fund was understated by $820,285 with a corresponding overstatement of cash and fund balance in the Redevelopment Long-term Debt Fund.

CAPITAL ASSETS

Certain expenditures for the fiscal year ended June 30, 2008 were charged as current operating costs which were subsequently determined to be projects costs that were to be capitalized. This resulted in an understatement of capital assets of $299,031 with a corresponding understatement of net assets.

SUPPLEMENTARY INFORMATION

CITY OF
WINTERS
california

WINTERS COMMUNITY DEVELOPMENT AGENCY

SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES IN
IN FUND BALANCES - BUDGET AND ACTUAL - CAPITAL PROJECTS FUND
FOR THE FISCAL YEAR ENDED JUNE 30, 2009

	COMMUNITY DEVELOPMENT CAPITAL PROJECTS FUND			
	Budgeted amounts			Variance with final budget positive (negative)
	Original	Final	Actual	
REVENUES:				
Tax increment revenues	$ 1,654,956	$ 1,654,956	$ 1,610,946	$ (44,010)
Use of money and property	450,000	450,000	280,326	(169,674)
TOTAL REVENUES	2,104,956	2,104,956	1,891,272	(213,684)
EXPENDITURES:				
Current:				
Legal and professional	131,450	131,450	1,053,458	(922,008)
Administration	297,898	297,898	264,498	33,400
Community development	350,000	350,000	105,212	244,788
Pass-through agreements	600,000	600,000	360,476	239,524
Debt service:				
Principal payments	210,000	210,000	210,000	-
Interest and other charges	575,274	575,274	575,274	-
Capital outlay	11,710,089	11,710,089	2,153,890	9,556,199
TOTAL EXPENDITURES	13,874,711	13,874,711	4,722,808	9,151,903
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	(11,769,755)	(11,769,755)	(2,831,536)	8,938,219
OTHER FINANCING SOURCES (USES):				
Transfers in	-	-	71,906	71,906
Transfers out	(501,108)	(501,108)	(157,106)	344,002
TOTAL OTHER FINANCING	(501,108)	(501,108)	(85,200)	415,908
CHANGE IN NET ASSETS	(12,270,863)	(12,270,863)	(2,916,736)	9,354,127
FUND BALANCES, JULY 1:				
As originally stated	12,880,165	12,880,165	12,880,165	-
Prior period adjustment	-	-	820,285	820,285
As restated	12,880,165	12,880,165	13,700,450	820,285
FUND BALANCES, JUNE 30	$ 609,302	$ 609,302	$ 10,783,714	$ 10,174,412

The accompanying notes to component unit financial statements are an integral part of this statement.

OTHER REPORTS

CITY OF
WINTERS
California
Est. 1911

BOLER & ASSOCIATES

PROFESSIONAL ACCOUNTANCY CORPORATION
750 F STREET • DAVIS, CA 95616 (530) 756-1735

REPORT ON INTERNAL CONTROLS OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS*

Chairman and Honorable Directors
of the Winters Community Development Agency

We have audited the financial statements of the governmental activities and each major fund of the Winters Community Development Agency as of and for the year ended June 30, 2009, which collectively comprise the Agency's basic financial statements and have issued our report thereon dated October 14, 2009. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards,* issued by the Comptroller General of the United States.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the Winters Community Development Agency's internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Winters Community Development Agency internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the Winters Community Development Agency's internal control over financial reporting.

A control deficiency exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect misstatements on a timely basis. A significant deficiency is a control deficiency, or combination of control deficiencies, that adversely affects the Winters Community Development Agency's ability to initiate, authorize, record, process, or report financial data reliably in accordance with generally accepted accounting principles such that there is more than a remote likelihood that a misstatement of the Winters Community Development Agency's financial statements that is more than inconsequential will not be prevented or detected by the Winters Community Development Agency's internal control.

A material weakness is a significant deficiency, or combination of significant deficiencies, that results in more than a remote likelihood that a material misstatement of the financial statements will not be prevented or detected by the Winters Community Development Agency's internal control.

California Redevelopment Agencies- Fiscal Year 2008/2009
Project Area Contributions to Low and Moderate Income Housing Fund
Sch A Project Area Financial Information

Agency WINTERS

Address Winters Community Development Agency
318 First Street
Winters CA 95694

Project Area WINTERS PROJECT AREA

Type: Inside Project Area Status: Active

Plan Adoption: 1992 Plan Expiration Year: 2032

Gross Tax Increment	Calculated Deposit	Amount Allocated	Amount Exempted	Amount Deferred	Total Deposited	%	Cumulative Def.
$2,013,682	$402,736	$402,736	$0	$0	$402,736	20.00%	$0

Repayment	$0
Category	
Debt Proceeds	$2,895
Interest Income	$77,105
Total Additional Revenue	$80,000
Total Housing Fund Deposits for Project Area	$482,736

Agency Totals For All Project Areas:

Gross Tax Increment	Calculated Deposit	Amount Allocated	Amount Exempted	Amount Deferred	Total Deposited	%	Cumulative Def.
$2,013,682	$402,736.4	$402,736	$0	$0	$402,736	20%	$0

Total Additional Revenue from Project Areas:	$80,000
Total Deferral Repayments:	$0
Total Deposit to Housing Fund from Project Areas:	$482,736

WINTERS

California Redevelopment Agencies-Fiscal Year 2008/2009
Project Area Contributions to Low and Moderate Income Housing Funds
Sch A Project Area Summary Report
WINTERS

Project Area	100% of Tax Increment	20% Set Aside Requirement	Tax Increment Allocated	Amount Exempted	Deferral Repayment	Tax Incr. Deposited to Hsng Fund	Percent of Tax Incr Dep	Repayment Deferrals	Other Income	Total Deposited to Housing
WINTERS PROJECT AREA	$2,013,682	$402,736	$402,736	$0	$0	$402,736	20.00%	$0	$80,000	$482,736
Agency Totals:	$2,013,682	$402,736	$402,736	$0	$0	$402,736	20.00%	$0	$80,000	$482,736

Note: Print this report in Landscape Orientation (Use the Print Icon just above, then Properties then Landscape)

California Redevelopment Agencies - Fiscal Year 2008/2009
Status of Low and Moderate Income Housing Funds
Sch C Agency Financial Summary
WINTERS

Adjusted Beginning Balance	Project Area Receipts	Agency Other Revenue	Total Expenses	Net Resources Available	Other Housing Fund Assets	Total Housing Fund Assets	Encum-brances	* Unen-cumbered Balance	Unen-cumbered Designated	Unen-cumbered Not Dsgntd
$3,542,845	$482,736	$0	$720,648	$3,304,933	$0	$3,304,933	$0	$3,304,933	$0	$3,304,933

Expenses	Debt Service	Planning and Administration Costs	Transfers Out of Agency	Total
2008/2009	$285,526	$273,328	$161,794	$720,648

*The Unencumbered Balance is equal to Net Resources Available minus Encumbrances

Note: Print this report in Landscape Orientation (Use the Print Icon just above, then Properties then Landscape)

California Redevelopment Agencies - Fiscal Year 2008/2009
Status of Low and Moderate Income Housing Funds
Sch C Agency Financial and Program Detail
WINTERS

		Beginning Balance	$3,542,845
		Adjustment to Beginning Balance	$0
		Adjusted Beginning Balance	$3,542,845
Total Tax Increment From PA(s)	$402,736	Total Receipts from PA(s)	$482,736
		Other Revenues not reported on Schedule A	$0
		Sum of Beginning Balance and Revenues	$4,025,581

Expenditure

Item	Subitem	Amount	Remark
Debt Service			
Debt Principal Payments	Tax Allocation, Bonds & Notes	$85,000	
Interest Expense		$200,526	
	Subtotal of Debt Service	**$285,526**	
Planning and Administration Costs			
Administration Costs		$183,804	
Professional Services		$89,524	
	Subtotal of Planning and Administration Costs	**$273,328**	
Transfers Out of Agency			
Other		$161,794	Allocated costs per Cost Allocation Plan
	Subtotal of Transfers Out of Agency	**$161,794**	
	Total Expenditures	**$720,648**	

Net Resources Available	**$3,304,933**
Indebtedness For Setasides Deferred	**$0**

Other Housing Fund Assets

Category	Amount	Remark
Total Other Housing Fund Assets		

Total Fund Equity	**$3,304,933**

2004/2005	$293896		Prior Year Ending Unencumbered Balance	Excess Surplus for 2008/2009
2005/2006	$357120	sum of 4 Previous Years' Tax Increment for 2008/2009	$3,542,845	$2,101,002
2006/2007	$420159			
2007/2008	$370668	$1441843		

Sum of Current and 3 Previous Years' Tax Increments	$1,550,683
Adjusted Balance	$3,304,933
Excess Surplus for next year	$1,754,250
Net Resources Available	$3,304,933
Unencumbered Designated	$0
Unencumbered Undesignated	$3,304,933
Total Encumbrances	$0
Unencumbered Balance	$3,304,933
Unencumbered Balance Adjusted for Debt Proceeds	$0
Unencumbered Balance Adjusted for Land Sales	$0
Excess Surplus Expenditure Plan	No
Excess Surplus Plan Adoption Date	

Site Improvement Activities Benefiting Households

Income Level	Low	Very Low	Moderate	Total

Land Held for Future Development

Site Name	Num Of Acres	Zoning	Purchase Date	Estimated Start Date	Remark

Use of the Housing Fund to Assist Mortgagors

Income Adjustment Factors

Requirements Completed

Home $

Hope $

Non Housing Redevelopment Funds Usage

Resource Needs

LMIHF Deposits/Withdrawls

Document Name	Document Date	Custodian Name	Custodian Phone	Copy Source

Achievements

Description

SCHEDULE HCD E
CALCULATION OF INCREASE IN AGENCY'S INCLUSIONARY OBLIGATION FOR ACTIVITIES
(This Form is Information Only: Actual Obligation is based on Implementation Plan)

Report Year: 2008/2009

Agency: WINTERS

NOTE: This form is a summary of the totals of all new construction or substantial rehabilitation units from forms HCD-D7 which are developed in a project area by any entity (agency or non-agency).

PART I [H & SC Section 33413(b)(1)] **AGENCY DEVELOPED**	
1. New Units	0
2. Substantially Rehabilitated Units	0
3. Subtotal - Baseline of Units (add line 1 & 2)	0
4. Subtotal of Inclusionary Obligation Accrued this Year for Units (line 3 x 30%)	0
5. Subtotal of Inclusionary Obligation Accrued this year for Very-Low Income Units (line 4 x 50%)	0
PART II [H & SC Section 33413(b)(2)] **NON-AGENCY DEVELOPED UNITS**	
6. New Units	0
7. Substantially Rehabilitated Units	0
8. Subtotal - Baseline of Units (add lines 6 & 7)	0
9. Subtotal of Inclusionary Obligation Accrued this year for Units (line 8 x 15%)	0
10. Subtotal of Inclusionary Obligation Accrued this year for Very Low Income Units (line 9 x 40%)	0
PART III TOTALS	
11. Total Increase in Inclusionary Obligations During This Fiscal Year (add line 4 & 9)	0
12. Total Increase in Very Low Income Units Inclusionary Obligations During This Fiscal Year (add line 5 & 10)	0

SCHEDULE HCD E1
CALCULATION OF INCREASE IN AGENCY'S INCLUSIONARY OBLIGATION FOR ACTIVITIES
(This Form is Information Only: Actual Obligation is based on Implementation Plan)

Report Year: 2008/2009

Agency: WINTERS

Project Area: WINTERS PROJECT AREA

Project: WINTERS VILLAGE AFFORDABLE HOUSING PROJECT

NOTE: This form is a summary of the totals of all new construction or substantial rehabilitation units from forms HCD-D7 which are developed in a project area by any entity (agency or non-agency).

PART I [H & SC Section 33413(b)(1)] AGENCY DEVELOPED	
1. New Units	0
2. Substantially Rehabilitated Units	0
3. Subtotal - Baseline of Units (add line 1 & 2)	0
4. Subtotal of Inclusionary Obligation Accrued this Year for Units (line 3 x 30%)	0
5. Subtotal of Inclusionary Obligation Accrued this year for Very-Low Income Units (line 4 x 50%)	0

PART II [H & SC Section 33413(b)(2)] NON-AGENCY DEVELOPED UNITS	
6. New Units	0
7. Substantially Rehabilitated Units	0
8. Subtotal - Baseline of Units (add lines 6 & 7)	0
9. Subtotal of Inclusionary Obligation Accrued this year for Units (line 8 x 15%)	0
10. Subtotal of Inclusionary Obligation Accrued this year for Very Low Income Units (line 9 x 40%)	0

PART III TOTALS	
11. Total Increase in Inclusionary Obligations During This Fiscal Year (add line 4 & 9)	0
12. Total Increase in Very Low Income Units Inclusionary Obligations During This Fiscal Year (add line 5 & 10)	0

CITY OF
WINTERS
california
Est. 1875

CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Council members

DATE: Dec. 15, 2009

THROUGH: John W. Donlevy, Jr., City Manager

FROM: Dawn Van Dyke, Management Analyst

SUBJECT: **RESOLUTION 2009-57-A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS AUTHORIZING SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA ENERGY COMMISSION'S EECBG PROGRAM FOR FUNDS TO EXECUTE AN ENERGY EFFICIENCY PROJECT.**

RECOMMENDATION: That the City Council approve Resolution 2009-57, A Resolution of the City Council of the City of Winters authorizing submittal of an application to the California Energy Commission's EECBG Program for funds to execute an energy efficiency project.

BACKGROUND: Energy Efficiency Block Grant funding was established through the American Recovery and Reinvestment Act of 2009. In Oct. 8, 2009, the California Energy Commission issued a grant solicitation for the Energy Efficiency Block Grant program for small cities. Under this program, the City of Winters has been designated as eligible to receive a funding allocation based on the population, with an additional amount based on the unemployment rate. The City is eligible to receive $38,830.

There are three categories of funding under this grant program: Direct Equipment Purchase, Energy Efficiency Project, or Municipal Financing Program. Energy efficiency feasibility studies are required for the last two items, which could incur additional costs. Staff has reviewed the application guidelines and is recommending utilizing the funds for a Direct Equipment Purchase, in order to most prudently utilize these funds. Staff is still reviewing the costs and efficiency requirements for each item as required in the grant application. At tonight's meeting, staff is asking for authorization to submit the funding application for the purchase of one or more of the following items due to the fact that the grant deadline is Jan. 12:

- New high efficiency HVAC for City Hall and/or the Community Center.
- Purchase of LED lamps to replace the lamps in the antique streetlights downtown.
- Purchase of a premium efficiency VFD for use at the Wastewater Treatment Facility.
- Purchase of a NEMA approved premium efficiency motor for use at the Wastewater Treatment Facility.
- Purchase of 28-Watt T-8 Flourescent lamps for replacement of T-12 Flourescent lamps in City facilities.

FISCAL IMPACT: No match is required.

RESOLUTION 2009-57

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS AUTHORIZING SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA ENERGY COMMISSION'S EECBG PROGRAM FOR FUNDS TO EXECUTE AN ENERGY EFFICIENCY PROJECT.

WHEREAS, the City of Winters recognizes that it is in the interest of the regional, state and national economy to stimulate the economy; create and retain jobs; reduce fossil fuel emissions; and reduce total energy usage and improve energy efficiency within our jurisdiction; and

WHEREAS, Energy Efficiency and Conservation Block Grant (EECBG) funds are available through the California Energy Commission's EECBG Program for grants to eligible local governments for cost-effective energy efficiency projects; and

WHEREAS, the City of Winters, is eligible for EECBG funding under the California Energy Commission's EECBG Program; and

WHEREAS, the City of Winters is proposing to implement the energy efficiency project described in Exhibit A in order to qualify for EECBG funds from the California Energy Commission; and

WHEREAS, the City of Winters has considered the application of the California Environmental Quality Act to the approval of the energy efficiency project described in Exhibit A; and

NOW THEREFORE BE IT RESOLVED, that in compliance with the CEQA, the City of Winters finds that the approval of the energy efficiency projects described in Exhibit A is a "project" under CEQA that is exempt under Section 15301 relating to existing facilities.

Be it also resolved that the City Council of the City of Winters authorizes the submittal of the application to the California Energy Commission's EECBG Program for funds to execute the project described in Exhibit A.

BE IT ALSO RESOLVED that if recommended for funding by the California Energy Commission the City Council of the City of Winters authorizes the City of Winters to accept a grant award up to the amount of this application for $38,830, and that the City Manager, acting for the City of Winters is hereby authorized and empowered to execute in the name of the City of Winters, all necessary contracts and agreements, and amendments, hereto, to implement and carry out the purposes specified in the application.

The foregoing resolution was passed by the City Council of the City of Winters this 15th day of December, 2009.

Effective _____,_____

Signed:

Michael Martin, Mayor	Woody Fridae, Mayor Pro Tem
Harold Anderson, Council Member	Ceilia Aguiar-Curry, Council Member
Tom Stone, Council Member	John W. Donlevy, Jr. City Manager

ATTEST:

Nanci Mills, City Clerk

Exhibit A

Energy Efficiency Block Grant funds will be used under the Equipment Purchase category for the purchase of a new HVAC to replace the existing units at City Hall and/or the Community Center. Additional funds may be used for the purchase of LED lamps to replace the existing antique streetlights in the downtown area. Additional funds may be used for the purchase of a premium efficiency VFD for use at the Wastewater Treatment Facility. Additional funds may be used for the purchase of NEMA approved premium efficiency motor for use at the Wastewater Treatment Facility. Any additional funds may be used for the purchase of 28-Watt T-8 Flourescent Lamps to replace T12 Flourescent Lamps in City facilities.

CITY OF
WINTERS
california
Est. 1875

CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Council Members

DATE: December 15, 2009

THROUGH: John W. Donlevy, Jr., City Manager

FROM: Nelia C. Dyer, Community Development Director

Dan Maguire, Housing Programs Manager DM

SUBJECT: Public Hearing and Consideration by the Winters City Council of Adoption of Ordinance 2009-18, an Ordinance of the City of Winters Repealing Section 17.60.030 (B) and Adding Chapter 17.200 to the Zoning Code Pertaining to Affordable Housing Requirements.

RECOMMENDATION:

Staff recommends that the City Council take the following actions:

1) Receive Staff Report
2) Conduct Public Hearing
3) Waive first reading, read by title only, and introduce:
   Ordinance 2009-18, Repealing Section 17.60.030 (B) and Adding Chapter 17.200 to the Winters Municipal Code Pertaining to Affordable Housing Requirements

BACKGROUND:

In 1992, the City of Winters completed and adopted a comprehensive update of its General Plan. As part of this effort, the City also adopted the seven elements required for a General Plan. Subsequently, Legal Services of Northern California (LSNC) challenged the adequacy of the City's Housing Element, one of the required seven elements, and brought suit against the City in California Superior Court. The City incurred significant expenses during its defense and eventually, a stipulated judgment was agreed to by all parties in 1994 and entered in Superior Court. The key provisions of the judgment included the City's adoption of an inclusionary housing ordinance in 1994 (Ordinance 94-10), which required that 15 percent of all new housing be affordable to very low-, low-, and moderate income households.

The Affordable Housing Steering Committee (AHSC), along with numerous stakeholders, including the Yolo County Housing Authority, Legal Services of Northern California (LSNC), Mercy Housing, and other stakeholders started studying potential revisions to the existing Inclusionary Housing Ordinance (IHO) at the AHSC meeting on November 24, 2008. Over the course of the last year, the AHSC and the aforementioned stakeholders have met several times, and agreement on the final version of the IHO was reached at the AHSC meeting on November 3, 2009. The Planning Commission reviewed the proposed ordinance at their meeting on November 26, 2009 and unanimously (with Planning Commissioner DeVries absent) voted to recommend adoption of Ordinance 2009-18 to the City Council.

DISCUSSION:

The affordable housing requirements contained in this ordinance are the culmination of the City's efforts to develop an affordable housing program that promotes a balance between encouraging the development of market-rate housing and mixed use development in the City, while at the same time, providing for the creation of affordable housing necessary to meet the needs of very low-, low-, and moderate income households within the City.

The proposed amendment includes an exemption for developments of 15 dwelling units or less located in the Community Development Agency Project Area from the requirement to provide affordable housing. It was the consensus of the AHSC and the other participants that small infill projects would continue to be severely constrained if the requirements of the existing IHO were imposed. By allowing the exemption for small projects in the project area, it is anticipated this change will encourage infill development that encourages "smart growth".

PROJECT NOTIFICATION:

Public notice advertising for the public hearing on this project was prepared by the Community Development Director in accordance with notification procedures set forth in the City of Winters Municipal Code and State Planning Law. A legal notice was published in the Winters Express on Thursday, December 3, 2009. Copies of the staff report and all attachments for the proposed project have been on file, available for public review at City Hall since Thursday, December 10, 2009.

ENVIRONMENTAL DETERMINATION:

Pursuant to Section 15061 (b) (3) of the State CEQA Guidelines, a project is exempt from the California Environmental Quality Act when it can be seen with certainty that there is not possibility that the proposed project may have significant effect on the environment. This project entails the repealing of a section of the Zoning Code and the addition of a chapter to the Zoning Code regarding Affordable Housing, and therefore, constitutes administrative changes to the Zoning Code. As such, they will have no adverse effect on the environment; consequently, the project is not subject to environmental review under CEQA pursuant to Section 15061 (b) (3).

RECOMMENDATION:

Staff recommends that the City Council approve the proposed Ordinance by making the affirmative motions as follows:

I MOVE THAT THE WINTERS CITY COUNCIL WAIVE THE FIRST READING, READ BY TITLE ONLY, AND INTRODUCE ORDINANCE 2009-18, REPEALING SECTION 17.60.030

(B) AND ADDING CHAPTER 17.200 TO THE WINTERS MUNICIPAL CODE PERTAINING TO AFFORDABLE HOUSING REQUIREMENTS

ATTACHMENTS:

1) Legal Services Stipulated Settlement
2) Existing Inclusionary Housing Ordinance (Ordinance 94-10)
3) Proposed Inclusionary Housing Ordinance
4) Historical Affordable Housing Production
5) Potential Exempted Properties
6) Community Development Agency Project Area Map
7) City of Winters/Yolo County Area Median Income Chart

LEGAL SERVICES OF NORTHERN CALIFORNIA, INC.
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GARY F. SMITH, ESQ. (137534)
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Attorneys for Plaintiffs/Petitioners
MIGUEL MICHEL et al.

FILED
YOLO COUNTY
SUPERIOR/MUNICIPAL COURTS
JAN 03 1994
ADAM AYALA, CLERK
By _____
Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF YOLO

MIGUEL MICHEL, LUCILA GOMEZ, REBECCA RIVAS, MARIA GOMEZ, and PATTY BERMUDEZ,

Plaintiffs/Petitioners,

vs.

CITY OF WINTERS, a municipal entity, J. ROBERT CHAPMAN, WILLIAM PFANNER, FRANK CURRY, ROGER MOSIER, and TOM MARTIN in their official capacities as the City Council of Winters, and DOES I through 20, inclusive,

Defendants/Respondents,

DOES I THROUGH XX,

Real Parties In Interest.

Case No. 70141

JUDGMENT PURSUANT TO AGREEMENT FOR ENTRY OF JUDGMENT PURSUANT TO STIPULATED SETTLEMENT [C.C.P. §664.6]

MIGUEL MICHEL, LUCILA GOMEZ, REBECCA RIVAS, MARIA GOMEZ, and PATTY BERMUDEZ,

Plaintiffs/Petitioners

vs.

ALL PERSONS INTERESTED IN THE MATTER OF THE VALIDITY OF THE REDEVELOPMENT PLAN FOR THE WINTERS COMMUNITY DEVELOPMENT PROJECT AREA, as adopted Ordinance No. 92-08 on July 20, 1992, by the City Council of the City of Winters and the validity of all proceedings taken or made for or in way connected with the adoption of the Redevelopment Plan for the Winter Community Development Project Area: CITY OF WINTERS, a Municipal Corporation; COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF WINTERS, a Redevelopment Agency of the State of California, and DOES 1 through 20, inclusive,

Defendants/Respondents

Case No. 70296

The above entitled cases having been submitted for decision by counsel for the respective parties, to the Honorable Donna M. Petre, Presiding Judge of the above entitled Court, based on a written Agreement for Entry of Judgment Pursuant to Stipulated Settlement attached hereto as Exhibit A; and the Court having considered the Agreement and presentations of counsel:

IT IS ADJUDGED, ORDERED AND DECREED that

1. The terms of the Agreement for Entry of Judgment Pursuant to Stipulated Settlement attached hereto as Exhibit A are entered as the judgment in the above-entitled cases. The parties are hereby ordered to comply with the terms of the Agreement for Entry of Judgment Pursuant to Stipulated Settlement.

2. This Court retains jurisdiction with respect to the implementation of all terms and conditions set forth in the Agreement for Entry of Judgment Pursuant to Stipulated Settlement. Plaintiffs may enforce the Agreement for Entry of Judgment Pursuant to

Stipulated Settlement by noticed motion.

Dated: JAN - 3 1994

DONNA M. PETRE

JUDGE OF THE SUPERIOR COURT

LEGAL SERVICES OF NORTHERN CALIFORNIA, INC.
DAVID E. JONES, ESQ. (137725)
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Attorneys for Plaintiffs/Petitioners
MIGUEL MICHEL, et al.

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF YOLO

MIGUEL MICHEL, LUCILA GOMEZ, REBECCA RIVAS, MARIA GOMEZ, and PATTY BERMUDEZ, Plaintiffs/Petitioners, vs. CITY OF WINTERS, a municipal entity, J. ROBERT CHAPMAN, WILLIAM PFANNER, FRANK CURRY, ROGER MOSIER, and TOM MARTIN in their official capacities as the City Council of Winters, and DOES I through 20, inclusive, Defendants/Respondents, / DOES I THROUGH XX, Real Parties In Interest. /	Case No. 70141 AGREEMENT FOR ENTRY OF JUDGMENT PURSUANT TO STIPULATED SETTLEMENT [C.C.P. § 664.6]

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EXHIBIT A

MIGUEL MICHEL, LUCILA GOMEZ, REBECCA RIVAS, MARIA GOMEZ, and PATTY BERMUDEZ,

Plaintiffs/Petitioners

vs.

ALL PERSONS INTERESTED IN THE MATTER OF THE VALIDITY OF THE REDEVELOPMENT PLAN FOR THE WINTERS COMMUNITY DEVELOPMENT PROJECT AREA, as adopted Ordinance No. 92-08 on July 20, 1992, by the City Council of the City of Winters and the validity of all proceedings taken or made for or in way connected with the adoption of the Redevelopment Plan for the Winter Community Development Project Area: CITY OF WINTERS, a Municipal Corporation; COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF WINTERS, a Redevelopment Agency of the State of California, and DOES 1 through 20, inclusive,

Defendants/Respondents

Case No. 70296

IT IS HEREBY STIPULATED AND AGREED by and between plaintiffs, MIGUEL MICHEL, LUCILA GOMEZ, MARIA GOMEZ, PATRICIA BERMUDEZ, and REBECCA RIVAS (hereinafter referred to as "plaintiffs"), and the CITY OF WINTERS, a municipal entity, J. ROBERT CHAPMAN, WILLIAM PFANNER, FRANK CURRY, ROGER MOSIER and TOM MARTIN in their official capacities as the City Council and Directors of the Community Development Agency of Winters, and the COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF WINTERS, a Redevelopment Agency of the State of California (hereinafter referred to collectively as "City"), as follows:

This Agreement for Entry of Judgment Pursuant to Stipulated Settlement (C.C.P. § 664.6) is a complete, final and binding resolution of all issues and claims raised in both of these actions. Except as expressly set forth in this Agreement, all claims for relief in these actions shall be deemed merged into the judgment. The judgment entered pursuant to this agreement shall be binding and enforceable as to the matters set forth in this

Agreement. Plaintiffs may enforce the terms of this Agreement by noticed motion. The judgment entered pursuant to this Agreement shall not be res judicata as to any obligations of the defendants or rights of the plaintiffs, or act as collateral estoppel with respect to any facts or issues, except as to obligations and facts set forth in this Agreement. For purposes of this Agreement, the following terms shall be defined as set forth currently in the Health & Safety Code, as follows: "very low income" (Health & Safety Code § 50105); "low income" (Health & Safety Code § 50079.5) and "moderate income" (Health & Safety Code § 50093). For purposes of this agreement, the term "affordable" shall be understood to have the meaning of that term in California as defined by the Department of Housing and Community Development at the time of approval of the development project in question.

THE PARTIES HEREBY STIPULATE AND AGREE:

1. The City shall require, and amend its Housing Element to include a policy requiring, that at least 15 percent of all new housing units will be affordable to very low, low or moderate income households, with six percent of new housing units being affordable to very low income households, and nine percent of new housing units being affordable to low and moderate income households in proportion to the unmet affordable housing needs for each as identified in the current Housing Element in effect during each four year period described below. In the event that the City is no longer required to identify housing needs in its Housing Element, the above nine percent of the units that shall be affordable to low and moderate income households shall be affordable in proportion to the unmet affordable housing needs for low and moderate income households as identified in the most current analysis of housing needs for the City prepared by SACOG or any other non-local governmental entity that has prepared such an analysis.

2. The City is required to satisfy its obligation over a succession of four year periods. For each four year period, commencing January 1, 1994, the City must ensure that 15% of all new units will be affordable according to the terms of Paragraph 1. The

City's obligation shall be satisfied for the aggregate number of new units citywide within each four year period. The City may provide for different percentages of affordable units in individual projects or subdivisions, so long as the 15% obligation is met citywide in each four year period.

3. The 15 percent obligation for each four year period may be satisfied solely through the construction of affordable multi-family units.

4. The City will make its best efforts to require that the Parkview and Winters Highlands Tentative Subdivision Maps before the City are ultimately approved with the condition that they provide affordable housing. The City currently intends to impose conditions on the tentative maps stating that, as conditions of gaining final map approval, the City may impose an affordability requirement. The City understands that Legal Services has felt the need to exhaust its administrative remedies in writing as to its theory that the maps should not be approved in what Legal Services believes to be the absence of a legally satisfactory housing element. Regardless of whether the pending maps include such conditions, approval of the maps will trigger the City's 15% obligation.

5. Affordable rental and ownership units for very low and low income households shall remain affordable for a period of not less than 55 years.

6. Retroactive to adoption of the Redevelopment Plan in July 1992, 20% of the gross Agency tax increment allocated to the Agency pursuant to Health & Safety Code § 33670 shall be set aside in the Agency's Low and Moderate Income Housing Fund as currently required by Health & Safety Code § 33334.2. The "20% set aside" from the gross tax increment shall be calculated before the "pass through" of funds to Yolo County and any other entities. The City and Agency shall deposit in the Low and Moderate Income Funds any difference between the funds already deposited since the adoption of the Redevelopment Plan and 20% of the gross Agency tax increment before the pass through of funds to any other entity.

7. The City shall not get credit towards satisfying its 15% obligation for any affordable units that are already approved outside the redevelopment project area, although

affordable units imposed on currently pending subdivision maps shall count toward the total for the first four year period ending on January 1, 1998. The obligation within the project area began running with the adoption of the Redevelopment Plan in July 1992. Credit for any affordable units within the project area shall be granted only for affordable units approved after July 1992. The 15 percent obligation outside the project area will be deemed to have commenced as of October 15, 1993.

8. Plaintiffs waive their right to litigate any causes of action in the two lawsuits, and instead retain only the right to enforce the Judgment Entered Pursuant to Stipulated Settlement, as described in Paragraph 10. Plaintiffs further agree not to file litigation challenging the Winters Highlands Tentative Subdivision Map and the Parkview Tentative Subdivision Map currently pending before the City.

9. The City shall provide Plaintiffs' counsel annual written reports on its progress towards meeting the 15 percent requirement, in the form of expanded Annual Reports, as currently required by the Community Redevelopment Law at Health & Safety Code §§ 33080.1 and 33080.4. If, at the time or publication of such a report, the City cannot demonstrate that it is keeping pace towards satisfying the 15 percent obligation, the report shall identify, based on the best information reasonably available, where and how the new affordable units will be or are likely to be built.

10. The City's obligation to achieve the 15 percent requirement must first be satisfied by, and becomes enforceable immediately after, January 1, 1998, and each subsequent four year period. If, as of January 2, 1998, or immediately after the completion of each subsequent four year period, Plaintiffs believe that the City has failed to satisfy the 15 percent requirement, Plaintiffs may by way of noticed motion seek to enforce the terms of the stipulated judgment. The City and Plaintiffs agree that, in the event of non-compliance by the City, remedies available under the stipulated judgment include a residential development moratorium, as well as any other remedy that the Court can fashion based on its inherent equitable powers or any powers created by statute, which may possibly include a commercial development moratorium. The City retains its right,

however, to argue as to the appropriateness of any such remedy.

11. The court's existing orders with regard to the City's motion for judgment on the pleadings are vacated.

Defendant

Dated: 12-21-93

FRANK CURRY, City Councilmember and Redevelopment Agency Director
Defendant

Dated: 12-21-93

ROGER MOSIER, City Councilmember and Redevelopment Agency Director
Defendant

Dated: 12-21-93

TOM MARTIN, City Councilmember and Redevelopment Agency Director
Defendant

12-21-93

Dated: 12-20-93

MARIA GOMEZ
Plaintiff

Dated:

PATRICIA BERMUDEZ
Plaintiff

Dated: 12/20/93

REBECCA RIVAS
Plaintiff

Dated: 12-20-93

APPROVED AS TO FORM ONLY:

Dated: 12-21-93

JAMES G. MOOSE, Esq.
Remy & Thomas

Dated: 12/20/93

DAVID E. JONES, ESQ.
LEGAL SERVICES OF NORTHERN CALIFORNIA

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CITY OF WINTERS

ORDINANCE 94-10

AN ORDINANCE ESTABLISHING AN AFFORDABLE HOUSING PROGRAM FOR THE CITY OF WINTERS

WHEREAS, the public welfare requires the establishment of a program to encourage the provision of new affordable housing in order to meet the housing needs of the citizens of the City of Winters;

WHEREAS, federal and state funds are either extremely limited or no longer available to facilitate the construction of new affordable housing which places greater emphasis on local government and the private sector in producing affordable housing; and

WHEREAS, the City of Winters General Plan provides for several housing policies which will facilitate the development of new and rehabilitated affordable housing; and

WHEREAS, the Winters General Plan also provides for programs, activities and incentives to implement housing policy to encourage the production of housing affordable to low and very low income households.

NOW, THEREFORE, the City Council of the City of Winters does ordain as follows:

Section 1. Article 31, Affordable Housing, is hereby added to Title VIII of the Winters Municipal Code to read as follows:

ARTICLE 31. AFFORDABLE HOUSING

Section 8-1.3101. PURPOSE. The public welfare requires the city to take action to ensure that affordable housing is constructed and maintained within the City of Winters. The General Plan contains goals, policies and implementation programs designed to facilitate the development of new and rehabilitation for affordable housing. Such policies include but are not limited to, achieving the community's fair share regional allocation for housing for very low and low income households, establishing density bonuses to facilitate construction of housing for targeted income groups, rezoning land to promote mixed uses and affordable housing, and seeking all available sources of funding (including redevelopment) to facilitate development of affordable housing by the private sector. Special needs must be addressed such as adequate bedrooms for large families and housing for seniors.

Section 8-1.3102. DEFINITIONS. For the purposes of this article the following words and phrases shall have the meanings respectively ascribed to them by this section.

(a) "Affordable housing" means affordable sales housing or affordable rental housing. Affordable housing focuses on moderate, low and very low income households as defined hereinafter and by State Statute. The ratio of household income to ability to pay may evolve over time. However, currently affordable housing purchase payments are approximately 30% of gross monthly household income less insurance and property taxes. Affordable rental housing payments are approximately 30% of gross monthly household income less utilities.

(b) "Moderate income" means a household earning a gross income of more than 80 percent and less than 121 percent of the median income for Yolo County as determined by the U.S. Department of Housing and Urban Development.

(c) "Low income" means a household earning a gross income of more than 50 percent and less than 80 percent of the median income for Yolo County as determined by the U.S. Department of Housing and Urban Development.

(d) "Very low income" means households earning a gross income of less than 50 percent of the median income for Yolo County as determined by the U.S. Department of Housing and Urban Development.

(e) "Density bonus" means entitlement to build additional residential units above the maximum number of units permitted pursuant to existing General Plan, applicable specific plan and zoning designations. Density bonus units may be constructed only in the development where the units of affordable housing are located. Density bonus means a bonus of units awarded to a development pursuant to Government Code Section 65915 et seq.

Section 8-1.3103. APPLICABILITY OF ARTICLE. This Article is enacted pursuant to the police power of the City of Winters and is for the purpose of providing affordable housing in Winters consistent with the General Plan.

Section 8-1.3104. INDIVIDUALIZED PROJECTS. The Winters General Plan contains a policy that at least 15 percent of all new housing units will be affordable to persons of very low, low, or moderate income households, with six percent of new housing being affordable to very low income households, and nine percent being affordable to low or moderate income households in proportion to the unmet needs for each identified in the current Housing Element. This policy may be met in a variety of ways, including but not limited to, construction of dwelling units (single-family or multi-family) and sales or rentals; dedication of land; monetary payments in lieu of dedication of land, cooperative ventures with non-profit housing corporations, mutual housing associations, limited equity housing cooperatives, self-help or "sweat equity" projects, etc.

The City will explore all avenues of funding and cooperative efforts to assist in the development of affordable housing by the private and non-profit sectors.

The City's policy is to cause to be constructed 15% of all new housing for very low, low and moderate income house holds. This is a community-wide policy. Each project/subdivision will be individualized or tailored to contribute to the end policy. Every project will not be identical. A project individualized program shall be developed jointly by the developer/builders and city. The city reserves the final authority to determine whether the developer's project individualized program meets the city's affordable housing requirements.

Such programs may included but are not limited to the following: Programs may use a combination of the following elements.

a. Construct units for sale or rental.

b. Provide an irrevocable offer of dedication of land.

c. Payment of an in lieu fee instead of constructing units or dedicating land.

d. Density bonuses shall be granted for low and lower income units pursuant to State Statute.

Sections 8-1.3105 TERM. Affordable housing for low and very low income house hold shall remain affordable for a period of not less than 55 years.

Section 8-1.3106 HOUSING MIX. A community-wide housing mix is essential. Seniors and large families must be addressed as well as average size house holds. Affordable housing units shall include a mis of units sizes, and to the extant feasible, should be dispersed throughout the development.

Section 8-1.3107 MINIMUM SIZE. The city shall approve development program for affordable housing proposals with a minimum acceptable size of land dedication based upon development feasibility included standard criteria such as parking, open space, building height, etc.

Section 8-1.3108 IN-LIEU FEES. In-lieu fees shall be established by Resolution of the City Council. Any such payment shall be deposited into a separate account for independent audit and entitled "Affordable Housing Fund". This in-lieu fee shall be levied on builders only when on-sit construction and dedication of land requirements are not deemed feasible or in combination with construction and dedication. The preferred action is construction of housing as compared to payment of in-lieu fees. The city shall determine whether the payment of in-lieu fees is appropriate to meet the affordable housing requirements. The city reserve the final authority to determine whether the developer's project

individualized program meets the city's affordable housing requirements.

This Ordinance was introduced at a regular meeting of the Winters City Council on the 19th day of April, 1994 and was passed and adopted on the 3rd day of May, 1994 by the following roll call vote:

AYES: Curry, Mosier, Pfanner, Mayor Chapman

NOES: None

ABSENT: Martin

ABSTAINED: None

J. Robert Chapman, MAYOR

ATTEST:

Nanci G. Mills, CITY CLERK

ORDINANCE NO. 2009-18

AN ORDINANCE OF THE CITY OF WINTERS REPEALING SECTION 17.60.030(B) OF THE ZONING CODE AND ADDING CHAPTER 17.200 TO THE ZONING CODE PERTAINING TO AFFORDABLE HOUSING REQUIREMENTS

The City Council of the City of Winters hereby ordains as follows:

SECTION 1. Recitals.

A. The City of Winters undertook a comprehensive study and analysis of its affordable housing program, which prompted certain revisions to the affordable housing program for the City.

B. The affordable housing requirements contained in this Ordinance are the culmination of the City's efforts to develop an affordable housing program that promotes a balance between encouraging the development of market-rate housing and mixed use development in the City, while at the same time, providing for the creation of affordable housing necessary to meet the needs of individuals of very low, low and moderate income within the City.

C. The City of Winters Planning Commission conducted a noticed public hearing regarding this Ordinance, which amends the Zoning Code to repeal Section 17.60.030(B) and add Chapter 17.200 pertaining to affordable housing requirements within the City, and has recommended approval of the Ordinance.

D. The City Council of the City of Winters has provided public notice of its intention to amend the Zoning Code to adopt Chapter 17.200, and conducted a public hearing thereon on December 15, 2009.

E. The proposed amendment of the Zoning Code to add Chapter 17.200 is consistent with the goals, policies, and objectives of the City of Winters General Plan, and in particular, the Housing Element, as adopted on September 1, 2009.

F. The proposed amendment of the Zoning Code to add Chapter 17.200 has been reviewed in accordance with the California Environmental Quality Act ("CEQA") and is exempt pursuant to CEQA Guidelines Section 15061(b)(3).

SECTION 2. Chapter 17.200 "Affordable Housing Requirements" is hereby added to the Winters Municipal Code to read as follows:

Section 17.200.010 Purpose and Intent

The public welfare requires the City to take action to ensure that affordable housing is constructed and maintained within the City. This Chapter is intended to provide that new development projects in the City contain or assist in the production of a defined percentage of housing affordable to low income and very low income households, to provide for a program of incentives, and to implement the affordable housing policies contained in the Housing Element of the City's General Plan.

Section 17.200.020 Definitions

"Affordable Housing Steering Committee" means an advisory committee appointed by the City Council for the purpose of advising the City Council, Planning Commission, Community Development Agency and City staff on affordable housing policies and programs, use of redevelopment housing funds, proposed affordable housing projects, and other housing matters, at the request of the City Council.

"Community Development Director" means the director of the Community Development Department of the City, or his or her designee.

"Developer" means any person, firm, partnership, association, joint venture, corporation, or any entity or combination of entities which seeks the City's approval of discretionary land use entitlements for all or part of a development project. "Developer" includes "owner"

"Development project" means any development project that contains residential units, including single family and multifamily units.

"Inclusionary housing agreement" means an agreement between the developer and the City setting forth the manner in which the inclusionary housing requirements will be met in the development project.

"Inclusionary housing plan" means the plan setting forth the manner in which the developer proposes to satisfy the inclusionary housing requirements of this Chapter within the development project.

"Inclusionary housing requirement" means the inclusionary housing requirements as specified in this Chapter.

"Inclusionary housing unit or inclusionary unit" means an ownership or rental unit developed or provided in satisfaction of the inclusionary housing requirements of a development project, as provided for in this Chapter, and which is affordable to very low, low income or moderate income households.

"Low income household" means a household whose income does not exceed eighty percent (80%) of median income applicable to Yolo County, adjusted for family size as published and annually updated by the United States Department of Housing and Urban Development.

"Moderate income household" means a household whose income does not exceed one hundred twenty percent (120%) of median income applicable to Yolo County, adjusted for family size as published and annually updated by the United States Department of Housing and Urban Development.

"Very low income household" means a household whose income does not exceed fifty percent (50%) of the median income, adjusted for household size, applicable to Yolo County, as published and periodically updated by the United States Department of Housing and Urban Development.

Section 17.200.030 Inclusionary Housing Requirements

(A) Number and Affordability of Units. Except as otherwise provided for in this Chapter, all development projects consisting of five (5) or more residential units within the City of Winters shall include inclusionary housing units equal to fifteen percent (15%) of the total number of residential units in the development project, excluding density bonus units. The fifteen percent (15%) inclusionary housing requirement shall consist of six percent (6%) very low income units and nine percent (9%) low income or moderate income units in proportion to the unmet needs for each identified in the current housing element.

(B) Exception. The following development projects are exempt from the provisions of this Chapter:

1. Redevelopment Project Area. The fifteen percent (15%) inclusionary housing requirement provided in Subsection A above shall not apply to development projects within the Winters Community Development Agency Redevelopment Project Area that contain fifteen (15) or fewer residential units. This exception shall expire on December 31, 2013, unless extended by the City Council. Any development project that has not acquired a vested right to develop in accordance with existing laws and regulations by such expiration date shall be required to comply with the provisions of this chapter.

2. Project with prior approval. A development project that has obtained discretionary approval (e.g., a Development Permit, Use Permit, Design Review, Planned Development Permit, or Variance approval) before the effective date of this Chapter; or a building permit before the effective date of this Chapter; or a Certificate of Occupancy before the effective date of this Chapter.

3. Exempt by State law. A development project that is exempt from this Chapter by State law.

4. Project with vested rights. A development project for which the City has entered into a development agreement before the effective date of this Chapter, or which otherwise demonstrates a vested right to proceed without complying with this Chapter.

(C) Implementation. The developer shall propose an inclusionary housing plan to community development director as provided for in this Chapter. A condition requiring compliance with all of the terms of the inclusionary housing plan, as approved by the Planning Commission, shall be imposed on the development project. Further, the developer and the City shall enter into an inclusionary housing agreement that requires compliance with the inclusionary housing plan, and that will be recorded upon the property as provided in this Chapter.

(D) Density Ranges. Development projects which are proposed in areas of the City zoned for medium high and high density residential use, shall only be approved if density of the development project is in the upper one-half of the density ranges specified in the Zoning Code for developments in such zones, unless site constraints effectively prohibit such intensity of development.

(E) Unit Size. The inclusionary housing requirement shall accommodate diverse family sizes by including a mix of studio, one, two and/or three bedroom units where feasible.

(F) Exterior Appearance. The inclusionary units shall be visually compatible with and shall have similar external building materials and finishes as the market rate units in the immediate neighborhood.

(G) Access to Common Amenities. Tenants and residents of inclusionary units shall be provided the same rights and access to common amenities within the development project as tenants and residents occupying market rate units.

(H) Small Parts of Larger Projects. The City shall not approve development projects which reasonably appear to be smaller parts of a greater project and have the effect of circumventing the requirements of this Chapter.

Section 17.200.040 Inclusionary Housing Plan

(A) Submittal Requirements. At the time of and as part of the application for a discretionary land use entitlement for a development project, the inclusionary housing plan shall be submitted to the Community Development Director by the project developer, and shall include:

1. A detailed description of the method by which the developer will comply with the requirements of this Chapter.
2. The location of the inclusionary units within the development project, if applicable, the size of the inclusionary units, and any incentives requested by the developer in accordance with Section 17.200.060 of this Chapter.
3. Where an alternative to constructing inclusionary units on-site is intended, the developer shall provide detailed information regarding the alternative selected for meeting the inclusionary housing requirement, including a written statement that the

proposed parcel(s), site, or existing market rate units, if applicable, are available and capable of being dedicated to the City by the developer and that the affordable units shall be restricted as affordable housing, by way of contractual restrictions, recorded covenants or other legal mechanisms to assure that the units remain affordable housing units, as determined by City.

4. A phasing plan that provides a schedule for the timely development of the inclusionary units as the development project is built out.
5. Any other information deemed necessary by the Community Development Director.

(B) Affordable Housing Steering Committee Meeting. Prior to the submittal of the inclusionary housing plan, the Affordable Housing Steering Committee shall meet with and provide recommendations to the project developer regarding compliance with this Chapter.

(C) Community Development Director Preliminary Review. Upon receipt of the proposed inclusionary housing plan, the Community Development Director shall review the plan, and thereafter shall meet with the project developer to discuss the proposed plan.

(D) Plan Approval. After the preliminary review by the Community Development Director, the inclusionary housing plan shall be subject to the same review and approval as the discretionary land use entitlements.

Section 17.200.050 Alternative Methods to Meeting Inclusionary Housing Requirements

The City strongly prefers and shall encourage on-site construction of inclusionary units, however alternatives to the on-site construction of the inclusionary housing units may be proposed by the developer, consistent with the requirements set forth below in this section. The alternative methods are subject to review and approval of the City, as part of the inclusionary housing plan review process. The developer shall have the burden of demonstrating that the alternative selected is equivalent to the on-site construction of inclusionary housing units. Alternatives may include:

(A) Land Dedication. A developer may propose to dedicate land within the City sufficient to construct at least the same number of units and infrastructure to support the number of units as the developer would have been required to construct on-site subject to the inclusionary housing requirement. Land may be dedicated pursuant to this alternative provided the site will support the same number of units the developer is required to construct, has zoning of a minimum density necessary to accommodate the inclusionary housing requirement, that the site is physically and legally acceptable to the City, and that the site is restricted to affordable housing. The developer shall dedicate the land to the City at no cost the City.

(B) On-Site or Off-Site Construction. A developer may propose to develop housing to satisfy the inclusionary housing requirement at an on-site or off-site location within the City.

(C) Acquisition, Rehabilitation, and Conversion of Market Rate Units. A developer may propose to acquire and rehabilitate existing market rate units in the City which are at or above existing affordable rents, which require repair, rehabilitation, modernization or other work and convert those units to affordable housing units.

(D) Conversion of Market Rate Units. A developer may propose to convert existing market rate units in the City which do not require rehabilitation and are at or above existing affordable rents to affordable housing units by way of contractual restrictions, recorded covenants or other legal mechanisms to assure that the units remain affordable housing units, as determined by City.

(E) Accessory Units. A developer may propose to construct accessory dwelling units (e.g. granny flats) on site of the development project to meet the inclusionary housing requirement. The lots upon which the accessory dwelling units are constructed shall be restricted to provide that the units remain affordable housing units by way of contract, recorded covenants or other legal mechanisms.

(F) Inclusionary Housing Credits. A developer may propose to use inclusionary housing credits, as defined in this Chapter, to meet the inclusionary housing requirement.

(G) Payment of In-Lieu Fees. A developer may propose to pay an in-lieu fee to the City instead of constructing affordable units to meet the inclusionary housing requirement.

(H) Cooperative Ventures. A developer may propose a cooperative venture with a non-profit housing corporation, mutual housing association, limited equity housing cooperative, or other entity.

(I) Sweat Equity Project. A developer may propose a self-help or "sweat equity" project with a non-profit corporation or other entity.

(J) Combination. A developer may propose to utilize a combination of the above alternatives to meet the inclusionary housing requirement.

(K) Other Alternatives. A developer may propose, and the City may accept, other alternatives that meet the requirements and intent of this Chapter.

Section 17.200.060 Incentives and Assistance

(A) Request for Incentives and Assistance. The developer of a development project subject to the inclusionary housing requirements of this Chapter, may request, and the

City, in its discretion, may grant or deny the request for incentives as set forth in this section.

(B) Fee Waivers or Deferrals. The City may grant to a developer a program of waivers, reduction or deferrals of development fees or administrative fees for the inclusionary units.

(C) Inclusionary Housing Credits. A developer may submit as part of the inclusionary housing plan a proposal to provide affordable housing units or a donation of land in connection with a development project beyond the requirements of this Chapter. The developer may credit the additional affordable units or land against future development projects proposed by the developer within the City, subject to the provisions of this chapter. Inclusionary housing credits may also be transferred or sold to any other person or entity subject to the following conditions:

> (1) Inclusionary housing credits must be applied to another development project within five (5) years of issuance of a certificate of occupancy for the inclusionary units(s) or implementation of an alternative method of meeting the inclusionary method of meeting the inclusionary housing requirement which gives rise to the credits, such as land dedication. A developer who has not used, transferred or sold credits within the time specified in this section may apply to the City for a one (1) year extension on the life of the credits. A request for extension of the inclusionary housing credit shall be reviewed by City Council who shall grant or deny the request for extension. The City Council shall consider progress and efforts the developer has made to utilize the credits during the previous five (5) years, the impact on affordable housing in the City if the extension is granted, any proposals for use of the credits should the extension be granted and other relevant factors.
>
> (2) Inclusionary units receiving monetary subsidies through the City shall not receive credits unless the City has been reimbursed for its financial assistance.

(D) Local Public Funding. A developer may apply to the community development agency for local public funding to assist in the financing and development of affordable housing to meet the inclusionary housing requirement.

(E) Modification of Development Standards. To the extent feasible in light of the uses, design and infrastructure needs of the development project, modifications to existing City planning standards may be made for the development project. Such modifications shall be requested through a development permit, or other such permit that allows the modification of planning standards, and shall be considered in conjunction with the other discretionary land use entitlements for the development project.

(F) Mixed Use Projects. Mixed use projects containing affordable units may be proposed and approved in areas of the City where the Zoning Code and the General Plan allow

such development to help off-set the cost of developing affordable units pursuant to the requirements of this chapter.

Section 17.200.070 Density Bonus

Inclusionary units required by this Chapter or otherwise proposed to be constructed as part of a development project shall not be counted towards the number of units necessary to qualify for a density bonus under applicable state or local laws.

Section 17.200.080 Restrictions on Inclusionary Units

Each inclusionary unit created as a result of this Chapter shall have limitations governing its rental, sale, and/or resale and its occupancy, unless such limitations would be in conflict with federal or state law. The purpose of these limitations is to preserve the long-term affordability and to ensure its continued availability for income eligible households.

(A) Duration of Affordability for Rental and Resale of Inclusionary Units. All rental and for-sale inclusionary housing units developed within the City shall remain affordable for a period of not less than that required by Section 33334.3(f)(1) of the California Health and Safety Code (fifty-five years for rental units, forty-five years for owner-occupied units and fifteen years for mutual self-help housing units), and shall be regulated by regulatory agreement, recorded covenants or other legal mechanisms to assure that the units remain affordable housing units, as determined by City.

(B) Occupancy Requirements.

(1) Rental Units. Any person(s) who occupies a rental inclusionary unit shall occupy that unit as his or her principal residence and shall annually certify that he or she qualifies for the applicable affordable rent level. The Community Development Director shall annually initiate this certification process. If and when any person(s) who rents an inclusionary unit no longer qualifies at the applicable affordable rent and income levels, the person(s) shall be required to vacate the unit or pay the market rate for the unit provided another rental unit is made available at the income level of the inclusionary unit.

(2) For-Sale Units. (i) Except as provided in this section, an initial owner who purchases a for-sale inclusionary unit shall occupy that unit as his or her principal residence. The inclusionary housing agreement shall provide that a for-sale inclusionary unit may only be rented or leased with the written permission of the City, and then, only to an income eligible person and the inclusionary unit shall be rented at no greater a rental rate than the affordable rent level as defined in Health and Safety Code Section 50053. The inclusionary unit shall be rented or leased at the same income level of the original for-sale affordable housing price. For example, if the initial owner bought the unit at the very low income housing price the unit shall be rented at the very low income rent level currently in effect. Any person intending to offer a for-sale inclusionary unit for rent or lease shall first

notify the City housing coordinator in writing, prior to the renting of the unit. (ii) An initial owner shall be required to execute a promissory note, secured by a deed of trust, payable to the City, for the difference between the fair market value of the unit and the actual purchase price ("Silent Second Note"). The Silent Second Note shall accrue interest at the Local Agency Investment Fund ("LAIF") rate, and shall be due and payable upon the sale, transfer or refinancing of the unit, unless the sale is to another low income eligible buyer, as determined by the City. The proceeds of any Silent Second Notes shall be deposited in an account designated for uses related to the provision of affordable housing in the City.

(C) Resale of For-Sale Units. The initial owner or any subsequent owner may sell a for-sale unit pursuant to the following requirements. Inclusionary for-sale units shall remain affordable to subsequent income eligible buyers pursuant to the resale restricted term provided for in subsection (A) above, and in accordance with the affordable housing costs set forth in Health and Safety Code Section 50052.5. The inclusionary for-sale unit shall be sold at the same affordable housing price income level as it was originally sold, and the new income eligible buyer shall be required to execute a new inclusionary housing agreement and Silent Second Note, secured by a deed of trust.

(1) Option to Sell to City. If the owner is unable to sell the inclusionary unit within one hundred and eighty (180) days of offering and advertising the unit for sale, the owner may offer to sell the unit to the City at the affordable housing price at the time offer. The Community Development Director may reduce the one hundred and eighty (180) day requirement specified above if the owner demonstrates, to the satisfaction of the Director, that such limit would create a hardship for the owner. If the City or its assignee does not complete the purchase of the unit within ninety (90) days of the owner's offer of sale to the City, the resale obligation of this section shall terminate; however, the provisions of this section relating to recapture upon sale shall continue to apply and remain in full force and effect.

(2) Recapture Upon Sale. If the inclusionary unit does not sell within one hundred and eighty (180) days of offering and advertising the unit for sale, or such lessor time as established by the Community Development Director upon a finding that a hardship exists, and if the City does not acquire the inclusionary unit as specified in this section, the inclusionary unit may be sold at the current market price. Upon the sale of a unit at market price, the seller shall pay to the City housing trust fund the full amount of the Silent Second Note, described above in this section. The owner shall be entitled to any appreciation in the fair market value of the unit from the time of initial sale to the present sale.

Section 17.200.090 Administration of Inclusionary Housing Requirements

(A) Inclusionary Housing Agreement. Upon approval of the inclusionary housing plan pursuant to Section 17.200.030, the Community Development Director shall prepare an inclusionary housing agreement for the development project that is consistent with

inclusionary housing plan, and shall indicate ownership information, type of inclusionary unit (for-sale or rental), the number and size of the inclusionary units, the developer of the inclusionary units, the phasing and construction scheduling of the inclusionary units, commitments for inclusionary incentives and any other information required by the City relative to the inclusionary housing requirement. In the case of alternatives to the inclusionary housing requirement, the agreement shall also contain the information required in this chapter pertaining to the alternative. Upon completion, the inclusionary housing agreement shall be recommended for approval by the City Council at the next regular City Council meeting. The inclusionary housing agreement shall provide a direct financial contribution by the City in the amount of not less than one hundred dollars ($100) per inclusionary unit.

No final map shall be approved and no grading permit or building permit shall be issued by the City prior to the full execution and recordation of the inclusionary housing agreement against the property.

(B) Action on Inclusionary Housing Agreement. The City Council shall approve the inclusionary housing agreement upon a finding that the agreement meets all the requirements of this chapter and shall direct that the agreement be recorded upon the subject property.

(C) Affordable Rental and Affordable Housing Agreements. Prior to obtaining a certificate of occupancy for a development project which includes inclusionary units, the developer shall cause an affordable rental agreement to be executed between the owner of the property and the City which shall be recorded with the county recorder's office against the parcels identified in the inclusionary housing agreement as being inclusionary units, in a form reviewed and approved by the City Attorney. Where the inclusionary unit is a for-sale unit within a development project, prior to obtaining a certificate of occupancy for that unit the developer shall cause an affordable sale agreement to be executed between the initial owner of the inclusionary unit and the City, which shall be recorded with the county recorder's office against the parcel, in a form reviewed and approved by the City Attorney.

(D) Administrative of Affordability for Rental Inclusionary Housing. The owner of rental inclusionary units or for-sale inclusionary units offered for rent shall be responsible for certifying the income of the tenant or owner to the City at the time of initial rental and annually thereafter. The owner of a for-sale inclusionary unit shall certify to the City the income of the initial purchaser.

(E) Accessory Dwellings. Prior to obtaining a certificate of occupancy for an accessory dwelling which is designated as an inclusionary units pursuant to an inclusionary housing agreement, the developer shall cause an affordable sale agreement to be executed between the initial owner of the accessory dwelling unit and the City, which shall be recorded with the county recorder's office against the accessory dwelling unit, in a form reviewed and approved by the City Attorney.

(F) Guidelines. The Community Development Director may develop additional guidelines as necessary for implementation of this chapter.

(G) Appeal. Where the provisions of this Chapter vest the Planning Commission with final decision making authority, any applicant aggrieved by the decision of the Planning Commission may appeal the decision to the City Council, within ten (10) days of the final decision of the Planning Commission. Any appeal of a decision of the Planning Commission must be filed with the City Clerk. The City Clerk shall set the appeal before the City Council within forty (40) days of receipt of the appeal.

Section 17.200.100 Monitoring of Inclusionary Housing

(A) Developers. Developers that have entered into an inclusionary housing agreement requiring the provision of inclusionary housing units will be monitored by the City annually to assure compliance with the inclusionary housing agreement.

(B) Inclusionary Units. Inclusionary housing units developed within the City will be monitored by the City annually to verify that the units remain affordable in accordance with Section 17.200.080(B) of this chapter.

(C) Reporting. An annual reporting mechanism shall be created by the City to identify the number of inclusionary housing units that have been required for development within the City by inclusionary housing agreements during the annual reporting period and shall include the number of inclusionary housing units that have actually been developed during the annual reporting period. The report shall also include the results of the monitoring of developers and inclusionary units already in existence.

Section 17.200.110 Administrative and In-Lieu Fees

The City Council may, by resolution, establish an in-lieu fee and reasonable fees and deposits to defray costs of processing applications, proposals pursuant to this Chapter.

Section 17.200.120 Enforcement and Penalties

It is unlawful to offer for sale or to rent or lease any inclusionary unit without compliance with this Chapter. Any person who violates any provision of this Chapter shall be guilty of a misdemeanor. Any person who violates any provision of this Chapter shall be guilty of a separate offense for each and every day which any person commits, continues, permits, or causes a violation thereof and, shall be punished accordingly.

SECTION 3.
Section 17.60.030(B) of Chapter 17.60 of the Winters Zoning Code pertaining to affordable housing requirements for individualized projects is hereby repealed in its entirety.

SECTION 4. Effective Date.

This Ordinance shall be in full force and effective 30 days after its adoption and shall be published and posted as required by law. The City Clerk of the City of Winters shall cause this Ordinance to be published and posted in accordance with 36933 of the Government Code of the State of California.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Winters, California, held on _____, 2010, and was passed and adopted at a regular meeting of the City Council held on _____, 2010 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Mayor

ATTEST:

_____
City Clerk

1160228.15

Project Area Housing Production and Affordable Housing Obligation

Year(s)	Total Units	Affordable Obligation		Affordable Production		Reserve Affordable Production	
		Very Low 6%	Low & Moderate 9%	Very Low	Low & Moderate	Very Low	Low & Moderate
[redacted]							
1992 - Jun-08	473	29	43	87	103	58	60

Pipeline project(s) Central Valley Coalition for Affordable Housing (CVC) - Orchard Village project. **74 affordable units** on Railroad Ave. (just north of Winters Self Storage - APN # 003-360-05-1) 10 acre site with 5 acres zoned R-4. Anticipated affordability is 26 units designated for very low-income households and 48 units for low-income households.

City of Winters Non-Project Area & Project Area Housing Production and Affordable Housing Obligation

Year(s)	Total Units	Affordable Obligation		Affordable Production		Reserve Affordable Production	
		Very Low 6%	Low & Moderate 9%	Very Low	Low & Moderate	Very Low	Low & Moderate
[redacted]							
1992 - Jun-08	570	35	52	87	103	52	51

Pipeline project(s) Central Valley Coalition for Affordable Housing (CVC) - Orchard Village project. **74 affordable units** on Railroad Ave. (just north of Winters Self Storage - APN # 003-360-05-1) 10 acre site with 5 acres zoned R-4. Anticipated affordability is 26 units designated for very low-income households and 48 units for low-income households.

9/14/2009
NOTE: Revised to include extremely low income units and Manager's unit is not income restricted

Properties with potential for affordable units lost due to small development exemption

APN #	Zoning	Property Size	Potential Units	Owner	Miscellaneous	Potential Lost units
003 230 17 1	R1 & OS	R1 = 7.31 ac* OS = 7.7 ac*	8 to 54 2	Paradise Farms LLC	property south of Westwood /Riverside * est. based on GIS	3
003 230 08 1	R1 & OS	R1 = 2.05 ac* OS = 1.41 ac*	3 to 15 1	T & J Pearse	property south of 3rd * est. based on GIS	3
003 224 02 1	C2	.6 ac	6 to 12	J & M Pickerel		2
003 224 01 1	C2	.435 ac	10	City of Winters	Monticello project	2
038 210 1-11 1	C1	.66 ac	10	Village Townhomes LLC	Winters Village West	2
038 220 2-6 1	C1	.49 ac	5	Winters Village East		1
003 391 05 1 003 392 01 1	R1 R1	4.21 ac 3.838 ac net	5 to 29	Valadez		3
030 220 34 1	R1	3.29 ac	4 to 25	LDS		3
003 424 26 1	R2	1.21 ac	7 to 11	M & S Briggs		2
030 220 10 1	R1	3.28 ac	4 to 24	V & L Pinkston		3
003 360 02 1	R1	1.72 ac	2 to 13	Robert Polkington Jr Tr		2
038 050 71 1	R4	.65 ac	7 to 13			2
038 050 21 1	R4	1.0 ac	11 to 20	G & L Davis Tr		3
003 360 10 1	R4	1.09 ac	12 to 22	C & P Floyd Tr		3
003 360 14 1	R4	1.197 ac	13 to 24	Sergio Jiminez		3
					Total	**37**

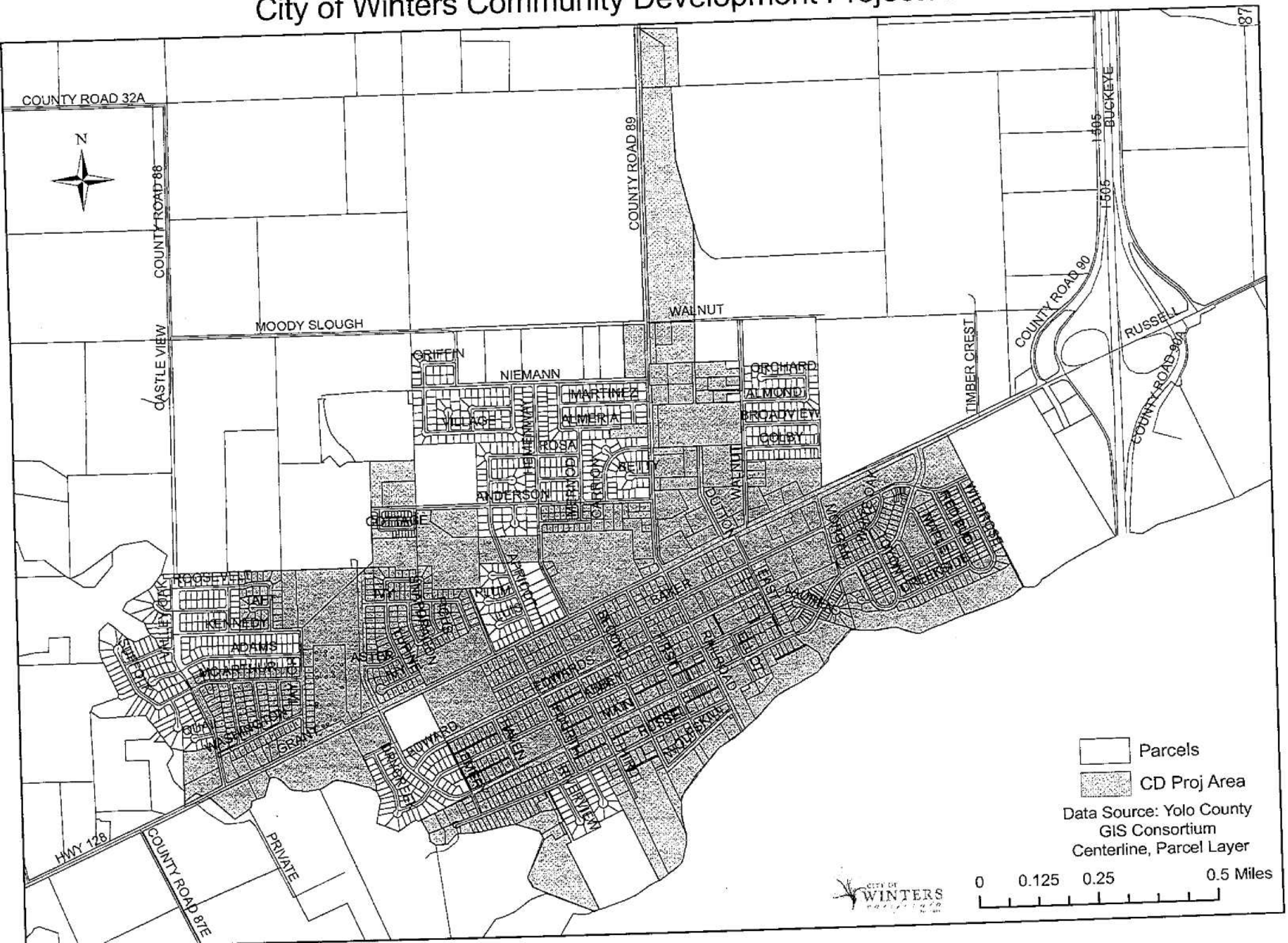
CDA Project Area Land Inventory

APN #	Zoning	Property Size	Potential Units	Owner	Miscellaneous
003 430 10 1	A1	3.22 ac	1	Country Investors	
003 430 11 1	A1	1.28 ac	1	Country Investors	
003 430 12 1	R2	11 ac	40	Lilly Ogden Tr.	Creekside
003 120 04 1	R2	2.75 ac		Lilly Ogden Tr.	Creekside
003 183 49 1	R1	.42 ac	1 to 3	Janet Aguiar	
003 230 17 1	R1 & OS	R1 = 7.31 ac* OS = 7.7 ac*	8 to 54 2	Paradise Farms LLC	property south of Westwood /Riverside * est. based on GIS
003 230 08 1	R1 & OS	R1 = 2.05 ac* OS = 1.41 ac*	3 to 15 1	T & J Pearse	property south of 3rd * est. based on GIS
003 241 01 1	R1 & OS	R1 = 4.69 ac* OS = 4.17 ac *	4	T & J Pearse	Pearse project residual land?
003 241 113 1	OS	1.424 ac*	1	George Castro Tr.	property south of Wolfskill
003 224 02 1	C2	.6 ac	6 to 12	J & M Pickerel	
003 224 01 1	C2	.435 ac	10	City of Winters	Monticello project property
003 160 04 1	C2	.227 ac / **3.018 ac**	31 to 61	Mariani	Baker to Grant
003 160 33 1	C2	.186 ac		Mariani	block
003 160 03 1	C2	.24 ac		Mariani	
003 160 20 1	C2	1.405 ac (net)		M & L Fruit	
003 160 62 1	C2	.96 ac		Mariani	
003 160 10 1	C2	1.157 ac / **3.051 ac**	31 to 62	Mariani	Edwards to Baker
003 160 48 1	C2	.487 ac		Mariani	block
003 160 54 1	C2	.141 ac		Mariani	
003 160 47 1	C2	.384 ac		Mariani	
003 160 63 1	C2	.882 ac		Mariani	

APN #	Zoning	Property Size	Potential Units	Owner	Miscellaneous
003 160 23 1	C2	.816 ac / **2.296 ac**	24 to 46	Mariani	Abbey to Edwards block
003 160 55 1	C2	.086 ac		Mariani	
003 160 25 1	C2	.512 ac		Mariani	
003 160 64 1	C2	.882 ac		Mariani	
003 155 15 1	C2	0.116 ac	1 to 2	J & Y Platt	
038 210 1-11 1	C1	.66 ac	10	Village Townhomes LLC	Winters Village West
038 220 2-6 1	C1	.49 ac	5	Winters Village East	
003 430 13 1	R3 & R1	15.97 ac	72	Hoffman	Hudson Ogando
003 430 05 1	R1				
003 524 19 1	R2	5.69 ac	29	Carter Tr	Mary Rose Gardens
003 391 05 1	R1	4.21 ac	5 to 29	Valadez	
003 392 01 1	R1	3.838 ac net			
030 391 06 1	R2	.47 ac	6	Sac Pacific	Cottages at C.R.
030 220 34 1	R1	3.29 ac	4 to 25	LDS	
003 321 01 1	C2	2.98 ac / **3.853 ac**	39 to 78	Mariani	North of Grant
003 321 03 1	C2	.326 ac		Mariani	
003 321 04 1	C2	.547 ac		Mariani	
003 322 20 1	C2 & OF	2.13 ac	28	Brzeski	Anderson Place
003 360 05 1	R4 & PR	10.65 ac	74	Central Valley Coalition	Orchard Village
003 360 18 1	R4				
003 424 26 1	R2	1.21 ac	7 to 11	M & S Briggs	

APN #	Zoning	Property Size	Potential Units	Owner	Miscellaneous
030 220 10 1	R1	3.28 ac	4 to 24	V & L Pinkston	
003 360 02 1	R1	1.72 ac	2 to 13	Robert Polkington Jr Tr	
038 050 71 1	R4	.65 ac	7 to 13		
038 050 21 1	R4	1.0 ac	11 to 20	G & L Davis Tr	
038 050 23 1	R4	3.692 ac	38 to 74	W & E MacMillan	
003 360 10 1	R4	1.09 ac	12 to 22	C & P Floyd Tr	
003 360 14 1	R4	1.197 ac	13 to 24	Sergio Jiminez	
038 050 68 1	R3 & OS & C1	R3 = 8.11 ac OS = 15 ac C1 = 3.53 ac	50 to 82 3 22 to 36	Greyhawke LLC	est based on GIS

City of Winters Community Development Project Area



City of Winters/Yolo County
2009 Income Limits

Household Size (Number of Persons in Household)	1	2	3	4	5	6	7	8
Extremely Low-Income 30% of AMI	$15,250	$17,450	$19,600	$21,800	$23,550	$25,300	$27,050	$28,800
Very Low-Income 50% of AMI	$25,400	$29,050	$32,650	$36,300	$39,200	$42,100	$45,000	$47,900
Low-Income 80% of AMI	$40,650	$46,500	$52,300	$58,100	$62,750	$67,400	$72,050	$76,700
Median Income 100% of AMI	$50,800	$58,100	$65,350	$72,600	$78,400	$84,200	$90,000	$95,850
Moderate-Income 120% of AMI	$60,950	$69,700	$78,400	$87,100	$94,050	$101,050	$108,000	$114,950

CITY OF WINTERS
california
Est. 1875

CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers

DATE: December 15, 2009

THROUGH: John W. Donlevy, Jr., City Manager

FROM: Nelia C. Dyer, Community Development Director

SUBJECT: Public Hearing and Consideration by the Winters City Council of the City of Winters for Adoption of Ordinance 2009-16, Amending Chapter 15.64 (Flood Damage Prevention) of the Winters Municipal Code

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RECOMMENDATION: Staff recommends that the City Council take the following actions:

1. Receive Staff Report
2. Conduct Public Hearing; and
3. Waive first reading, read by title only, and introduce Ordinance 2009-16 amending Chapter 15.64 of the Winters Municipal Code regarding Flood Damage Prevention

BACKGROUND:

On March 1, 1994, the City Council adopted Ordinance 94-04, which included floodplain management regulations. Specifically, the purpose of the ordinance was to promote the public health, safety, and general welfare, and to minimize public and private losses to flood conditions in specific areas of the City (See Attachment A).

On September 28, 2009, City staff met with a representative from the Federal Emergency Management Agency (FEMA) for a "Community Assistance Visit." The purpose of the meeting was to provide City staff with the most current information on the National Flood Insurance Program (NFIP), give staff an opportunity to discuss concerns regarding floodplain management, and assess the City's enforcement of the local floodplain management ordinance that was adopted to meet the requirements of the NFIP. In FEMA's evaluation of the Winters' floodplain management program, FEMA has determined that the City's ordinance must be amended to reflect changes to the NFIP and to clarify some of the requirements. Ordinance language amendments include the following:

1. Section 15.64.050 (Definitions)

a. Amend definition for "Existing manufactured home park or subdivision" to read as follows:

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before ~~the effective date of the floodplain management regulations adopted by a community.~~ *December 1, 1978.*

b. Amend definition for "New manufactured home park or subdivision" to read as follows:

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after ~~the effective date of the floodplain management regulations adopted by a community.~~ *December 1, 1978.*

c. Amend definition for "New construction" to read as follows:

"New construction", for floodplain management purposes, means structures for which the start of construction commenced on or after ~~the effective date of floodplain management regulations adopted by this community~~ *December 1, 1978,* and includes any subsequent improvements to such structures.

2. Section 15.64.130 Designation of the floodplain administrator
Amend to read as follows:

The ~~director of public works~~ *Community Development Director* is appointed as the floodplain administrator, to administer, implement, and enforce this chapter by granting or denying development permits in accord with its provisions.

3. Section 15.64.140 (C) Notification of Other Agencies
Amend to read as follows:

C. Notification of Other Agencies. ~~In alteration or relocation of a watercourse:~~
   1. ~~Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;~~ *Alteration or relocation of a watercourse:*
      a. Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;
      b. Submit evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency; and
      c. Assure that the flood carrying capacity within the altered or relocated

portion of the watercourse is maintained.

2. ~~Submit evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency; and~~ *Base Flood Elevation changes due to physical alterations:*

   a. *Within 6 months of information becoming available or project completion, whichever comes first, the floodplain administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a Letter of Map Revision (LOMR).*

   b. *All LOMR's for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.*

   Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.

3. ~~Assure that the flood carrying capacity within the altered or relocated portion of the watercourse is maintained.~~ *Changes in corporate boundaries:*

   Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits.

4. Section 15.64:140 (D) Documentation of Floodplain Development
   Amend to read as follows:

   6. *Maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.*

5. Section 15.64.160 (C)(1)(c) In all other Zones, elevated a minimum of one foot above the base flood elevation.
   Amend to read as follows:

   Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered civil engineer or licensed land surveyor, ~~or~~ *and* verified by a city building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

PROJECT NOTIFICATION:
Public notice advertising for the public hearing on this project was prepared by the Community

Development Director in accordance with notification procedures set forth in the City of Winters Municipal Code and State Planning Law. A legal notice was published in the Winters Express on Thursday, December 3, 2009. Copies of the staff report and all attachments for the proposed project have been on file, available for public review at City Hall since Thursday, December 10, 2009.

ENVIRONMENTAL DETERMINATION:

Pursuant to Section 15061 (b) (3) of the State CEQA Guidelines, a project is exempt from the California Environmental Quality Act when it can be seen with certainty that there is not possibility that the proposed project may have significant effect on the environment. This project entails the amendment of a chapter to the Winters Municipal Code (WMC) regarding Flood Damage Prevention, and therefore, constitutes administrative changes to the WMC. As such, they will have no adverse effect on the environment; consequently, the project is not subject to environmental review under CEQA pursuant to Section 15061 (b) (3).

RECOMMENDATION:

Staff recommends that the City Council approve the proposed Ordinance by making the affirmative motions as follows:

I MOVE THAT THE WINTERS CITY COUNCIL WAIVE THE FIRST READING, READ BY TITLE ONLY, AND INTRODUCE ORDINANCE 2009-16, AMENDING CHAPTER 15.64 OF THE WINTERS MUNICIPAL CODE PERTAINING TO FLOOD DAMAGE PREVENTION.

ATTACHMENTS:

A. Ordinance 94-04 (Now Chapter 15.64 of the Winters Municipal Code)
B. Ordinance 2009-16: An Ordinance of the City Council of the City of Winters Amending Chapter 15.64 of the Winters Municipal Code Regarding Flood Damage Prevention

CITY OF WINTERS
ORDINANCE 94-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS RESCINDING TITLE 5, ARTICLE 4 OF THE MUNICIPAL CODE AND REPLACING WITH THE FOLLOWING

ARTICLE 4. FLOOD DAMAGE PREVENTION

SECTION 5-1.401. STATUTORY AUTHORIZATION. The Legislature of the State of California has in Government Code Sections 65302, 65560, and 65800 conferred upon local government units authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Council of City of Winters does hereby adopt the following floodplain management regulations.

SECTION 5-1.402. FINDINGS OF FACT.

A. The flood hazard areas of City of Winters are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

B. These flood losses are caused by uses that are inadequately elevated, floodproofed, or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities also contribute to the flood loss.

SECTION 5-1.403. STATEMENT OF PURPOSE. It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

A. protect human life and health;

B. minimize expenditure of public money for costly flood control projects;

C. minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

D. minimize prolonged business interruptions;

E. minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special

flood hazard;

F. help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;

G. ensure that potential buyers are notified that property is in an area of special flood hazard; and

H. ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

SECTION 5-1.404. METHODS OF REDUCING FLOOD LOSSES. In order to accomplish its purposes, this ordinance includes methods and provisions to

A. restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;

B. require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

D. control filling, grading, dredging, and other development which may increase flood damage; and

E. prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

SECTION 5-1.405. DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"**Accessory use**" means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

"**Appeal**" means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

"**Area of shallow flooding**" means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity

flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood hazard" - See "Special flood hazard area."

"Base flood" means a flood which has a one percent chance of being equalled or exceeded in any given year (also called the "100-year flood"). Base flood is the term used throughout this ordinance.

"Basement" means any area of the building having its floor subgrade - i.e., below ground level - on all sides.

"Building" - see **"Structure"**.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

"Encroachment" means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

"Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood, flooding, or flood water" means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Boundary and Floodway Map (FBFM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the floodway.

"Flood Hazard Boundary Map" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated the areas of flood hazards.

"Flood Insurance Rate Map (FIRM)" means the official map on which the Federal

Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"**Flood Insurance Study**" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

"**Floodplain or flood-prone area**" means any land area susceptible to being inundated by water from any source - see "**Flooding**".

"**Floodplain Administrator**" shall be the Director of Public Works of the City of Winters, and shall be responsible for enforcement this Ordinance.

"**Floodplain management**" means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

"**Floodplain management regulations**" means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.

"**Floodproofing**" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

"**Floodway**" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as "Regulatory Floodway".

"**Floodway encroachment lines**" means the lines marking the limits of floodways on Federal, state and local floodplain maps.

"**Floodway fringe**" is that area of the floodplain on either side of the "Regulatory Floodway" where encroachment may be permitted.

"**Fraud and victimization**" as related to Section 5-1.423, **Nature of Variances, et al.**, of this ordinance, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the {community governing body} will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty to one-hundred years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to

increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

"Governing body" shall mean the City Council of the City of Winters, and said Council is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

"Hardship" as related to Section 5-1.423, **Nature of Variances**, et al., of this ordinance means the exceptional hardship that would result from a failure to grant the requested variance. The {governing body} requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic structure" means any structure that is

1. listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

4. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states with approved programs.

"Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

"Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

"Lowest floor" means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area (see **"Basement"**) is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance. (Note: This definition allows attached garages to be built at grade. Below grade garages are not allowed as they are considered to be basements.)

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.
"New construction", for floodplain management purposes, means structures for which the "start of construction" commenced on or after the effective date of floodplain management regulations adopted by this community, and includes any subsequent improvements to such structures.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by this community.

"Obstruction" includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

"One-hundred-year flood" or "100-year flood" - see **"Base flood."**

"Principal structure" means a structure used for the principal use of the property as distinguished from an accessory use.

"Public safety and nuisance" as related to Section 5-1.423, **Nature of Variances,** et al., of this ordinance means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

"Recreational vehicle" means a vehicle which meets all of the following:

1. built on a single chassis;

2. 400 square feet or less when measured at the largest horizontal projection;

3. designed to be self-propelled or permanently towable by a light-duty truck; and

4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Sheet flow area" - see **"Area of shallow flooding"**.

"Special flood hazard area (SFHA)" means an area having special flood hazards and shown on an FHBM or FIRM as Zone A, AO, A1-A30, AE, A99, and AH.

"Start of construction" includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a

SECTION 5-1.407. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD. The areas of special flood hazard identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) for the City of Winters dated December 16, 1980 and accompanying Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs) dated December 16, 1980, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this ordinance. This FIS and attendant mapping is the minimum area of applicability of this ordinance and may be supplemented by studies for other areas which allow implementation of this ordinance and which are recommended to the City Council by the Floodplain Administrator. The study, FIRMs, and FBFMs are on file at the City of Winters, City Hall, 318 First Street, Winters, Ca.

SECTION 5-1.408. COMPLIANCE. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the term of this ordinance and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the City Council from taking such lawful action as is necessary to prevent or remedy any violation.

SECTION 5-1.409. ABROGATION AND GREATER RESTRICTIONS. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION 5-1.410. INTERPRETATION. In the interpretation and application of this ordinance, all provisions shall be

A. considered as minimum requirements;

B. liberally construed in favor of the governing body; and

C. deemed neither to limit nor repeal any other powers granted under state statutes.

SECTION 5-1.411. WARNING AND DISCLAIMER OF LIABILITY. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of City Council, any officer, agent, or employee thereof, including elected or appointed boards; the State of California, or the Federal Insurance Administration, Federal Emergency Management Agency, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

SECTION 5-1.412. SEVERABILITY. This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

SECTION 5-1.413. ESTABLISHMENT OF FLOOD PLAIN DEVELOPMENT PERMIT. A Flood Plain Development Permit development permit shall be obtained before any construction or other development begins within any area of special flood hazard established in Section 5-1.407. Application for a development permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required.

A. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures - in Zone AO, elevation of highest adjacent grade and proposed elevation of lowest floor of all structures; or

B. proposed elevation in relation to mean sea level to which any structure will be floodproofed, if required in Section 5-1.417.C.3; and

C. all appropriate certifications listed in Section 5-1.415.D of this ordinance; and

D. description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

SECTION 5-1.414. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR. The Director of Public Works is hereby appointed as the Floodplain Administrator, to administer, implement, and enforce this ordinance by granting or denying development permits in accord with its provisions.

SECTION 5-1.415. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR. The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following.

A. Permit Review. Review all development permits to determine that

1. permit requirements of this ordinance have been satisfied,

2. all other required state and federal permits have been obtained,

3. the site is reasonably safe from flooding, and

4. the proposed development does not adversely affect the carrying capacity

substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"**Structure**" means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

"**Substantial damage**" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"**Substantial improvement**" means any reconstruction, rehabilitation, addition, or other proposed new development of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either

1. any project for improvement of a structure to correct existing violations or state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or

2. any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"**Variance**" means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

"**Violation**" means the failure of any structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

"**Water surface elevation**" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

"**Watercourse**" means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

SECTION 5-1.406. LANDS TO WHICH THIS ORDINANCE APPLIES. This ordinance shall apply to all areas of special flood hazards within the jurisdiction of City of Winters.

of areas where base flood elevations have been determined but a floodway has not been designated. For purposes of this ordinance, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one foot at any point.

B. Review and Use of Any Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 5-1.407, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer Section 5-1.417. through 5-1.422., inclusive. Any such information shall be submitted to the City Council for adoption.

C. Notification of Other Agencies. In alteration or relocation of a watercourse:

1. notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;

2. submit evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency; and

3. assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.

D. Documentation of Floodplain Development. Obtain and maintain for public inspection and make available as needed the following:

1. certification required by Section 5-1.417.C.1 (floor elevations),

2. certification required by Section 5-1.417.C.2 (elevation or floodproofing of nonresidential structures),

3. certification required by Sections 5-1.417.C.3 (wet floodproofing standard),

4. certification of elevation required by Section 5-1.419.B (subdivision standards),

5. certification required by Section 5-1.422.A (floodway encroachments),

E. Map Determinations. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard, for example, where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 5-1.423.

F. Remedial Action. Take action to remedy violations of this ordinance as specified in Section 5-1.408.

SECTION 5-1.416. APPEALS. The City Council of City of Winters shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

SECTION 5-1.417. STANDARDS OF CONSTRUCTION. In all areas of special flood hazards the following standards are required:

A. Anchoring

1. All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

2. All manufactured homes shall meet the anchoring standards of Section 5-1.402.

B. Construction materials and methods. All new construction and substantial improvement shall be constructed

1. with materials and utility equipment resistant to flood damage;

2. using methods and practices that minimize flood damage;

3. with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and if

4. within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

C. Elevation and floodproofing. (See Section 5-1.405., Definitions for "new construction," "substantial damage" and "substantial improvement".)

1. Residential construction, new or substantial improvement, shall have the lowest floor, including basement,

a. in an AO zone, elevated above the highest adjacent grade to a height equal to or exceeding one foot greater than the depth number specified in feet on the FIRM, or elevated at least three feet above the highest adjacent grade if no depth number is specified.

b. in an A zone, elevated a minimum of one foot above the base flood elevation, as determined by the City of Winters.

c. in all other Zones, elevated a minimum of one foot above the base flood elevation.

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, or verified by a City of Winters building inspector to be properly elevated. Such certification or verification shall be provided to the Floodplain Administrator.

2. Nonresidential construction shall either be elevated to conform with Section 5-1.417.C.1 or together with attendant utility and sanitary facilities

a. be floodproofed below the elevation recommended under Section 5-1.417.C.1 so that the structure is watertight with walls substantially impermeable to the passage of water;

b. have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

c. be certified by a registered professional engineer or architect that the standards of this section (5-1.417.C.2) are satisfied. Such certification shall be provided to the Floodplain Administrator.

3. All new construction and substantial improvement with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must exceed the following minimum criteria:

a. be certified by a registered professional engineer or architect; or

b. be certified to comply with a local floodproofing standard approved by the Federal Insurance Administration, Federal Emergency Management Agency, or

c. have a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

4. Manufactured homes shall also meet the standards in Section 5-1.420.

SECTION 5-1.418. STANDARDS FOR UTILITIES.

A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:

1. infiltration of flood waters into the systems, and

2. discharge from the systems into flood waters.

B. On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding.

SECTION 5-1.419. STANDARDS FOR SUBDIVISIONS.

A. All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood.

B. All subdivision plans will provide the elevation of proposed structure(s) and pad(s). If the site is filled above the base flood elevation, the final first floor and pad elevations shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Administrator.

C. All subdivision proposals shall be consistent with the need to minimize flood damage.

D. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

E. All subdivisions shall provide adequate drainage to reduce exposure to flood hazards.

SECTION 5-1.420. STANDARDS FOR MANUFACTURED HOMES.

A. All manufactured homes that are placed or substantially improved, within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map, on sites located:

1. outside of a manufactured home park or subdivision,

2. in a new manufactured home park or subdivision,

3. in an expansion to an existing manufactured home park or subdivision, or

4. in an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred "substantial damage" as the result of a flood,

shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated a minimum of one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation

collapse and lateral movement.

B. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, AE on the community's Flood Insurance Rate Map that are not subject to the provisions of paragraph 5-1.420.A will be elevated so that either the

1. lowest floor of the manufactured home is a minimum of one foot above the base flood elevation, or

2. manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

SECTION 5-1.421. STANDARDS FOR RECREATIONAL VEHICLES.

A. All recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map will either:

1. be on the site for fewer than 180 consecutive days,

2. be fully licensed and ready for highway use -- a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions, or

3. meet the permit requirements of Section 4 of this ordinance and the elevation and anchoring requirements for manufactured homes in Section 5-1.420.A.

SECTION 5-1.422. FLOODWAYS. Located within areas of special flood hazard established in Section 5-1.407. are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply.

A. Prohibit encroachments, including fill, new construction, substantial improvement, and other new development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in [the base] flood elevation during the occurrence of the base flood discharge.

B. If Section 5-1.422.A is satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of Sections 5-1.417. through 5-1.422. inclusive.

SECTION 5-1.423. NATURE OF VARIANCES. The variance criteria set forth in this section of the ordinance are based on the general principle of zoning law that variances pertain

to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the City Council to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. [The long term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this ordinance are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.]

SECTION 5-1.424. APPEAL BOARD.

A. In passing upon requests for variances, the City Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and the

1. danger that materials may be swept onto other lands to the injury of others;

2. danger of life and property due to flooding or erosion damage;

3. susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;

4. importance of the services provided by the proposed facility to the community;

5. necessity to the facility of a waterfront location, where applicable;

6. availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

7. compatibility of the proposed use with existing and anticipated development;

8. relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

9. safety of access to the property in time of flood for ordinary and emergency vehicles;

10. expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and

11. costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.

B. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that

1. the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage, and

2. such construction below the base flood level increases risks to life and property. It is recommended that a copy of the notice shall be recorded by the Floodplain Administrator in the Office of the Yolo County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

C. The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Insurance Administration, Federal Emergency Management Agency.

SECTION 5-1.425. CONDITIONS FOR VARIANCES.

A. Generally, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of Sections 5-1.413. through 5-1.422., inclusive, of this ordinance have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

B. Variances may be issued for the repair or rehabilitation of "historic structures" (as defined in Section 5-1.405. of this ordinance) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

C. Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.

D. Variances shall only be issued upon a determination that the variance is the "minimum necessary" considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of

this ordinance. For example, in the case of variances to an elevation requirement, this means the City Council need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the City Council believes will both provide relief and preserve the integrity of the local ordinance.

E. Variances shall only be issued upon a:

1. showing of good and sufficient cause;

2. determination that failure to grant the variance would result in exceptional "hardship" (as defined in Section 5-1.405. of this ordinance) to the applicant; and

3. determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance (as defined in Section 5-1.405. - see "**Public safety or nuisance**"), cause fraud or victimization (as defined in Section 5-1.405.) of the public, or conflict with existing local laws or ordinances.

F. Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of Sections 5-1.424.A through 5-1.424.E, inclusive, are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

G. Upon consideration of the factors of Section 5-1.423. and the purposes of this ordinance, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

ADOPTED THIS 1ST DAY OF MARCH, 1994.

AYES: Martin, Mosier, Pfanner, Chapman

NOES: None

ABSENT: Curry

J. Robert Chapman, MAYOR

ATTEST:
Nanci G. Mills, CITY CLERK

ORDINANCE No. 2009-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS AMENDING CHAPTER 15.64 OF THE WINTERS MUNICIPAL CODE REGARDING FLOOD DAMAGE PREVENTION

WHEREAS, the 1968 National Flood Insurance Act was passed by Congress creating the National Flood Insurance Program, which was designed to reduce future flood losses through local floodplain management and to provide protection for property owners against potential losses through flood insurance;

WHEREAS, as part of the agreement for making flood insurance available in the community, the National Flood Insurance Flood Program requires that the City adopt a floodplain management ordinance containing certain minimum requirements intended to reduce future flood losses;

WHEREAS, the City Council adopted Ordinance 94-04, which is consistent with the Federal Floodplain Management Regulations as defined in Title 44, Code of Federal Regulations, Section 60.3 and the standards of the State Model Floodplain Ordinance based on the Statutory Authorization, Findings of Fact and Purpose and Methods;

WHEREAS, in September of 2009, a representative from the Federal Emergency Management Agency met with City staff to assess the city's enforcement of the local floodplain management ordinance and requested that the City's ordinance be amended to reflect recent changes to the National Flood Insurance Program;

WHEREAS, the ordinance was revised by City staff and is hereby submitted to Council for adoption as the City's Floodplain Management Ordinance;

WHEREAS, the amendments to the ordinance are exempt from the California Environmental Quality Act pursuant to Section 15061 (b) (3);

WHEREAS, the City Council of the City of Winters conducted a duly noticed public hearing on December 15, 2009, at City Hall, 318 1st Street, Winters, CA 95694. Notice of the time, place, and purpose of the aforementioned meeting was duly noticed in accordance with Government Code 65090.

THE CITY COUNCIL OF THE CITY OF WINTERS, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. AMENDMENT.

A. Chapter 15.64, Section 15.64.050 (Definitions) is amended to read as follows:

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the

installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before ~~the effective date of the floodplain management regulations adopted by a community.~~ *December 1, 1978.*

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after ~~the effective date of the floodplain management regulations adopted by a community.~~ *December 1, 1978.*

"New construction", for floodplain management purposes, means structures for which the start of construction commenced on or after ~~the effective date of floodplain management regulations adopted by this community~~ *December 1, 1978,* and includes any subsequent improvements to such structures.

B. Chapter 15.64, Section 15.64.130is amended to read as follows:

The ~~director of public works~~ *Community Development Director* is appointed as the floodplain administrator, to administer, implement, and enforce this chapter by granting or denying development permits in accord with its provisions.

C. Chapter 15.64, Section 15.64.140 (C) is amended to read as follows:

C. Notification of Other Agencies. ~~In alteration or relocation of a watercourse:~~

1. ~~Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;~~ *Alteration or relocation of a watercourse:*

a. Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;

b. Submit evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency; and

c. Assure that the flood carrying capacity within the altered or relocated portion of the watercourse is maintained.

2. ~~Submit evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency; and~~ *Base Flood Elevation changes due to physical alterations:*

a. *Within 6 months of information becoming available or project completion, whichever comes first, the floodplain administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a Letter of Map Revision (LOMR).*

b. *All LOMR's for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.*

Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.

3. ~~Assure that the flood carrying capacity within the altered or relocated portion of the watercourse is maintained.~~ *Changes in corporate boundaries:*

Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits.

D. Chapter 15.64, Section 15.64.140 (D) is amended to read as follows:

6. Maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.

E. Chapter 15.64, Section 15.64.160 (C)(1)(c) is amended to read as follows:

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered civil engineer or licensed land surveyor, ~~or~~ *and* verified by a city building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

SECTION 2. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days after the date of its adoption. Within fifteen (15) days of its adoption it shall be posted in two (2) public places within the City of Winters and the ordinance, or a summary of the ordinance prepared by the City Attorney, shall be published in a local newspaper used to publish official notices for the City of Winters prior to the effective date.

INTRODUCED on the 15th day December, 2009.

PASSED AND ADOPTED as an ordinance of the City of Winters at a regular meeting of said Council on the ___ day of January, 2010, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Michael Martin, MAYOR

ATTEST:

_____
Nanci G. Mills, CITY CLERK